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State Register

Notice of State Register Format Changes

Beginning with *State Register* Vol. 2, issue No. 37, dated March 20, 1978, the Office of the State Register is making the following enhancements in the *State Register* format:

- An "Executive Orders List" is added as a new finding aid. This list will appear following the MCAR Amendments and Additions, and will serve as a means of finding Executive Orders which have appeared in the current volume of the *State Register*.

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- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

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The following is a cumulative listing of all proposed and adopted rules published in the *State Register* from Volume 2, Issue 1, to the present issue. The listing is arranged in the same order as is the table of contents to the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend and/or add to the rules contained in the MCAR set.

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Pursuant to the provisions of Minn. Stat. § 15.0411 to § 15.052, all rules, amendments to rules, or suspensions or repeals of rules become effective after all requirements described in Minn. Stat. § 15.0412, subd. 4 have been met and five working days after publication in the *State Register*, unless a later date is required or specified.

If the rule as adopted does not differ from the proposed rule as previously published in the *State Register*, a notice of adoption as proposed and a citation to the previous publication is considered sufficient as publication of the adopted rule, suspension or repeal.

If the rule as adopted differs from the proposed rule, the adopted rules or subdivisions thereof which differ from the proposed rule are published along with a citation to the *State Register* publication of the proposed rule.

Pursuant to Minn. Stat. § 15.0412, subd. 5, temporary rules take effect upon approval of the Attorney General. As soon as practicable, notice of the Attorney General's decision and the adopted temporary rule are published in the *State Register*, as provided for adopted rules. Temporary rules are effective for only 90 days and may be reissued for 90 days.

Department of Corrections Adopted Rules Regarding the Operation and Management of Holding Facilities, Lockups, Jails and Adult Corrections Facilities

The rules published at the *State Register*, Volume 1, Number 38, pp. 1375-1403, March 28, 1977 (1 S.R. 1375-1403) are adopted and are identical in every respect to their proposed form, with the following amendments:

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- A. Availability of medical and dental resources.
- B. Posting of available resources.
- C. Hospitalization of a prisoner.
- D. First aid.
- E. Medical and dental records.
- F. Preventive health services.
- G. Administration of Medications, Delivery, Supervision and Control of Medicine.
- H. Reporting suspected communicable disease.
- I. Isolation for communicable disease.
- J. Mentally ill prisoners.
- K. Housekeeping, sanitation and plant maintenance.

CORR 112 New construction.

- A. Construction principles.
- B. General conditions.
- C. Administrative and public areas.
- D. Receiving area.
- E. Living area.
- F. Construction standards.
(Security areas).

CORR 100 Introduction.

A. Minn. Stat. § 241.021, subd. 1 (1974), as amended by Laws of 1976, ch. 299, to be effective July 1, 1976, provides that the Commissioner of Corrections promulgate rules establishing minimum standards for all correctional facilities throughout the State whether public or private, established and operated for the detention and confinement of persons detailed or confined therein according to law except to the extent that they are inspected or licensed by other State regulating agencies. The rules which follow are intended to fulfill that requirement for holding facilities, lockups, jails and adult corrections facilities.

B. The Commissioner of Corrections has, pursuant to Minn. Stat. § 241.021, subd. 1, appointed a citizens advisory task force to assist in the development of rules contained herein.

C. The purpose of these standards is to facilitate the implementation of rules in accordance with Minn. Stat. § 241.021, subd. 1, and to provide a framework for inspection, restriction of usage and condemnation of holding facilities, lockups, jails and adult corrections facilities.

CORR 101 Definitions.

A. For the purpose of these rules:

1. "Department of Corrections" or "Department" shall mean Minnesota State Department of Corrections.

2. "Commissioner" shall mean Commissioner of the Minnesota State Department of Corrections or his designee.

3. "Local Facility" shall mean any city, county, city and county, or multiple county adult or juvenile correctional facility.

4. "Holding Facility" shall mean a secure detention facility used to confine prisoners prior to appearance in court for periods of time not to exceed 72 hours excluding holidays or weekends.

5. "Lockup Facility" shall mean a secure detention facility used to confine prisoners prior to appearance in court and sentenced prisoners for periods of time not to exceed 30 days.

6. "Jail" shall mean a secure detention facility used to

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confine prisoners prior to appearance in court and sentenced prisoners for periods of time not to exceed one full year.

7. "Adult Corrections Facility" shall mean a secure detention facility used only to confine sentenced prisoners for periods of time not to exceed one full year. Adult corrections facilities designed and approved by the Department to accept only one classification of prisoner (maximum, medium or minimum) may have the capability of providing security of that classification only.

8. "Facility Administrator" unless expressly stated otherwise shall mean sheriff, chief of police, administrator, superintendent, director, or other individual who has been assigned, designated or delegated full-time responsibility and authority for the administration and operation of a local facility, or his designee.

9. "Custodial Personnel" shall mean those staff with titles such as jailer, deputy, counselor, correctional officer, or equivalent, whose primary duties are the day-to-day or ongoing supervision of prisoners of a local facility.

10. "Emergency" shall mean any significant incident or disruption of normal facility procedures, policies, routines or activities such as fire, riot, natural disaster, suicide, escape, assault on staff, medical emergency, etc.

11. "Approved Capacity" shall mean the number of prisoners for which any cell, room, unit, building, facility or combination thereof was planned, designed and approved for in compliance with the standards herein contained.

12. "Average Daily Population" shall mean the average number of prisoners residing daily during the last calendar year. Unless expressly stated otherwise, the term "Average Daily Population" as used in these rules shall not include prisoners who are not housed in the facility for at least a portion of the day for which such "Average Daily Population" is computed. As examples, prisoners on furlough or hospitalized need not be considered in such computation.

~~14.~~ 13. "Administrative Segregation" shall mean the physical separation of ~~different types of prisoners from each other, designed to provide that level of control and security necessary for responsible management and to maintain the health, security and protection of the who are determined to be mentally deficient, prone to escape, prone to assault staff or other prisoners or likely to need protection from other prisoners where such administrative segregation is determined to be necessary in order to achieve the objective of protecting the welfare of prisoners and staff.~~

14. "Disciplinary Segregation" shall mean that status

assigned a prisoner as a consequence or means of control resulting from a violation of facility rules or statute which consists of confinement in a cell, room, or housing unit separate from prisoners who are not on disciplinary segregation status.

~~13.~~ 15. "Disciplinary Isolation" shall mean that status assigned a prisoner as a consequence or means of control resulting from a ~~serious violation of facility rules or statute which consists of confinement in a cell, room or housing unit separate from other prisoners of the facility.~~ bizarre behavior which results in the destruction of facility furnishings or reveals an intent to cause physical harm to self or others.

~~15.~~ 16. "Policy" shall mean a statement declaring mission, purpose, and ideological position.

~~16.~~ 17. "Procedure" shall mean a statement establishing the action plan to accomplish policy.

~~17.~~ 18. "Inspection" shall mean an on-site assessment of existing conditions and their relationship to meeting standards.

~~18.~~ 19. "Existing Facility" shall mean any facility used for the detention and confinement of prisoners prior to the effective date of these standards.

~~19.~~ 20. "Prisoner" shall mean any individual, adult or juvenile, detained or confined, residing in any local detention or treatment facility governed by these rules.

~~20.~~ 21. "Variance" shall mean the waiver of a specific standard by the Commissioner of Corrections for a specified period of time.

~~21.~~ 22. "Holding Cell" shall mean a cell or room used to hold one or more persons temporarily while they are awaiting such things as release, booking, court appearance, transportation, interrogation, etc.

~~22.~~ 23. "Maximum Security Areas" shall mean areas that provide the greatest degree of physical security for the control and separation of prisoners.

~~23.~~ 24. "Maximum Security Prisoners" shall mean prisoners who have established themselves as "dangerous to self or others," or behaviorally uncontrollable through previous behavior, or who are so unfamiliar that no reasonable assessment of their character can be made.

~~24.~~ 25. "Medium Security Areas" shall mean areas that provide moderate, but considerable physical security for the control and separation of prisoners.

~~25.~~ 26. "Medium Security Prisoners" shall mean prisoners who have not performed bizarre behaviors within

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the past five years, and who are sufficiently familiar to the staff of a facility to warrant general reliability for their expected responsible behavior.

~~26-~~ 27. "Minimum Security Areas" shall mean areas that provide functional living accommodations with a nominal reliance on physical security for the control and separation of prisoners.

~~27-~~ 28. "Minimum Security Prisoners" shall mean prisoners who have established themselves as reliably responsible (with the exception of their offense patterns) under conditions provided by the staff and other resources of the facility and the community, or who have been committed by the court under the Huber Law and would, therefore, automatically be on minimum security status.

29. "Legend Drug" shall mean a drug which is required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

30. "Medicine" shall mean any remedial agent that has the property of curing, preventing, treating or mitigating diseases, or that is used for that purpose. For the purpose of these rules, medicine shall include legend and non-legend drugs.

31. "Controlled Substance" shall mean a drug, substance or immediate precursor in Schedules I through V of Minn. Stat. ch. 152 § 152.02. The term shall not include distilled spirits, wine, malt liquor, intoxicating liquor or tobacco.

32. "Substantially Conform" as used in CORR 102 C. shall mean compliance with 70% or more of all rules applicable to a facility's classification as stated herein and, additionally, shall mean compliance with 70% or more of all rules applicable to a facility's classification in each section of these rules. 'Section' as used in this definition means the entire area or subject matter under a given rule, e.g., CORR 100, CORR 101, etc.

CORR 102 Inspections, intended use and non-conformance with rules.

A. Inspections. Each facility shall be inspected pursuant to Minnesota statutory authority MSA 241.021, subd. 1.

1. All inspections of jails, lockups, holding facilities and adult corrections facilities made by the Department of

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Corrections pursuant to MSA 241.021, subd. 1, shall be according to the standards set forth herein.

B. Intended use. Any facility disapproved for detention or treatment purposes of one or more kinds as indicated by its classification and standards contained herein shall not be used for such disapproved purpose until such time as they are deemed in substantial compliance with the standards contained herein for the proposed reclassification and a reclassification review has been conducted by the department authorizing such reclassification.

C. Nonconformance, unsafe, unsanitary or illegal conditions. When conditions do not substantially conform to the standards stated herein or where specific conditions are such as to endanger the health, welfare or safety of prisoners and/or staff, the facility's use shall be restricted pursuant to MSA 241.021, subd. 1, or legal proceedings to condemn the facility will be initiated pursuant to MSA 641.26 Condemnation of Jails, or MSA 642.10 Condemnation of Lockup.

D. Severability. If any article, section, subsection, sentence, clause or phrase of these standards is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these standards.

CORR 103 Variances.

A. Variances. A local facility may request in writing a variance of a specific standard. Variance requests shall be submitted to the Commissioner of Corrections, who, within 30 days thereafter, shall transmit in written correspondence to the requesting authority his findings and approval or disapproval of such request.

1. The request for a variance shall cite the standard in question, reasons for requesting the variance, the period of time the governing body wishes to have the standard waived, and the equivalent measures planned for protecting the health and safety of prisoners and staff.

2. The request shall state the justification for the requested exception and document the claim that the exception meets the intent of the standard and will not jeopardize the supervision of prisoners, established programs, security or the safe, healthful or efficient operation of the facility.

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B. Emergency suspensions of standards. Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety of the local facility, of any of its prisoners or staff, or the public.

1. Only such standards as are directly affected by the emergency may be suspended.

2. The facility administrator shall notify the Department of Corrections in writing within 72 hours of a suspension of any standard.

3. No suspension shall exceed seven days without the approval of the Commissioner of Corrections for a time specified by him.

C. Huber sentences (including educational release sentences) shall be exempt from the 30 day confinement limitation in lockups and may be exempted from the 72 hour confinement limitation in holding facilities by approval of the Commissioner of Corrections.

CORR 104 Personnel standards.

A. Staff health.

1. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or a chest X-ray.

a. If the Mantoux test is positive or contraindicated, a chest X-ray shall be taken. The results of these tests shall be reported in writing and made a part of the staff member's personnel record.

2. Any staff member with a communicable disease shall not be permitted to work in the facility until such time that a physician certifies that the staff member's condition will permit his return to work without endangering the health of other staff and prisoners.

3. The facility administrator shall require that a staff member have a medical examination when there is reason to believe a communicable disease exists.

B. Recruitment.

1. The selection, appointment and promotion of facility personnel shall be made on the basis of assessed ability.

2. There shall be no discrimination with respect to employment on the grounds of race, color, religion, sex or national origin.

3. All custodial personnel employed after the effective date of these standards shall be at least 18 years of age.

a. Non-custodial employees or volunteers under 18 years of age shall be under direct supervision.

4. Recruitment standards shall be reasonable and geared to reach the widest possible work force.

a. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition and character. They shall also set forth those qualities which may disqualify, such as drug or alcohol abuse, sexual deviance, criminal record or poor past work record.

C. Employee evaluation.

1. Every employee shall satisfactorily complete a probationary period on the job before appointment is made permanent.

2. Each employee shall be evaluated at least once during their probationary period — twice is recommended — and annually thereafter.

3. Evaluations shall be in writing and made a part of the employee's personnel record.

D. Extra duty.

1. No employee shall be assigned to duty for two consecutive work periods except in a documented emergency, or where unusual circumstances require reasonable and prudent exception.

E. Staffing requirements.

1. Staffing plan. The facility administrator shall prepare and retain a staffing plan indicating the personnel assigned to the facility and their duties.

2. Minimum staff requirements. The following are minimal staff requirements for each facility:

a. Facility administrator. There shall be a single administrator or chief executive of each facility. Where the average daily population of prisoners exceeds 50, the administrator shall have an assistant.

(1) Person in charge. In the absence of the facility administrator, a staff person shall be designated a person in charge. The facility shall not be left without such on-site supervision.

(2) Persons in charge shall be certified in writing by the facility administrator as physically able, competent, capable and prepared by training to act in an emergency.

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b. Staff presence. No person shall be detained without a staff person on duty, present in the facility, awake and alert at all times, capable of responding to reasonable needs of the prisoner.

c. Sex of staff. Staff members shall not be placed in positions of responsibility for the supervision and welfare of prisoners of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the prisoners.

(1) Where staff of one sex are used as program resource personnel with prisoners of the opposite sex, back-up staff of the prisoners' sex must be on duty, awake and alert in the facility to provide assistance as needed without delay.

d. Relief staff. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of prisoners, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities.

(1) Part-time and relief staff shall complete orientation training appropriate to the facility's classification.

e. Maintenance personnel. Maintenance personnel shall be employed to perform preventive, routine and emergency maintenance functions.

(1) Custodial staff shall not be given physical plant maintenance duties which are incompatible with or detract from their primary responsibility for ongoing supervision of prisoners.

f. Dispatcher/custodial person. No staff person shall be assigned as a combination dispatcher/custodial person when such assignment is incompatible with or detracts from the responsibilities of custodial functions as required by these rules.

g. Custodial staff. The ratio of custodial staff shall not be less than one staff person to 25 prisoners at any time ~~of the day or night~~ that prisoners are not secured in their cells, detention rooms or dormitories. At all other times, a combination of staff resources and physical plant resources

shall provide the capabilities of reporting incidents as well as providing a response to emergencies.

h. Program staff requirements. Program staff requirements as applicable to a facility's classification are as follows:

(1) Holding facility. No on-site program staff required.

(2) Lockups, program and resource coordinator. The facility administrator shall designate a staff person to coordinate community services and volunteers utilized by the facility. Such staff person need not be full-time in this capacity.

(3) Jails.

(a) Less than 25 average daily population. Jails with an average daily population of 25 or less shall have one staff person designated as program and resource coordinator of educational, vocational, social, volunteer and community services. Such staff person shall in consultation with the facility administrator, develop and implement on-site educational/vocational, social service and volunteer programs consistent with the needs of prisoners and available community resources. Such staff person may serve full or part-time in this capacity at the discretion of the facility administrator and governing body.

(b) Over 25 average daily population. Jails with average daily populations exceeding 25 shall have full-time program and resource coordinators of educational, vocational, social and volunteer services as follows:
Average Daily Population:

| | |
|----------|---|
| 25-50 | One staff person required. |
| 51-100 | Two staff persons required. |
| Over 100 | To be determined by mutual agreement of the county and Department of Corrections. |

(c) Jails with average daily populations exceeding 50 shall have a minimum of one full-time staff person assigned to recreational programming.

(4) Adult corrections facilities.

(a) ~~Educational/vocational and social service staff. One educational/vocational staff person and one social service staff person shall be employed full time for every 30 prisoners of the facility's average daily population. For the~~

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~~purpose of this standard, the superintendent, director, program director, treatment supervisor, educational/vocational supervisor or other such professional staff shall not be used in computation of this ratio unless there is documented evidence indicating that a substantial portion of their work time is spent in direct service to prisoners. All adult corrections facilities shall have a minimum of one full-time staff person designated as program and resource coordinator. Such staff person shall in consultation with the facility administrator develop and implement a program plan in accordance with such regulations as are reasonable and necessary to protect the facility's security and the prisoners' welfare.~~

~~(b) Recreation staff. Adult corrections facilities with approved capacities exceeding 50 shall have a minimum of one staff person assigned to recreational programming. The program plan shall minimally insure delivery of services in the following areas: educational/vocational services, recreation programs, social services, volunteer programs.~~

~~(c) Volunteer services. All adult corrections facilities shall have a staff person designated to develop, implement and coordinate volunteer services. Facilities having approved capacities of 100 or more shall have a volunteer services coordinator.~~

~~The program plan shall identify program staff (full-time, part-time, and volunteer) that will be used in delivery of services.~~

~~(d) The program staff (full-time, part-time and volunteer) shall provide for 40 hours of program services per week to every 30 prisoners incarcerated.~~

CORR 105 Staff training.

A. Training plan. Each facility administrator shall develop and implement a training plan for the orientation of new employees and volunteers and provisions for continuing in-service training programs for all employees and volunteers.

1. The training plan shall be documented and be descriptive of course curriculum, methods of instruction and objectives of instruction.

2. In-service training plans shall be prepared annually and orientation training plans reviewed and revised as necessary to changing conditions.

B. Orientation training. All custodial personnel shall complete a minimum of 24 hours of orientation training to their duties and responsibilities.

1. Such training shall be satisfactorily completed as

soon as practical, but not more than 90 days from the time of employment.

C. Probationary period training. All custodial personnel of holding facilities, lockups, jails and adult corrections centers shall satisfactorily complete a Department of Corrections approved facility operations programmed instruction course or equivalent training prior to completion of a probationary period.

D. In-service training. All custodial personnel and all middle management and non-management professional personnel except those employed in holding facilities shall complete a minimum of 24 hours of in-service training per year.

E. Management training. All management personnel and facility administrators employed in jails and adult corrections facilities who have not completed comparable training or who have not had two or more years administrative experience shall complete at least the orientation training appropriate to the facility's classification.

CORR 106 Staff deployment, job descriptions, work assignments, post orders, policies and procedures.

A. Job descriptions. Each facility administrator shall develop written job descriptions for all position classifications and post assignments which define responsibilities, duties and qualifications.

1. These shall be readily available to all employees with copies on file in the administrator's office.

2. Each employee shall be thoroughly familiar with his duties and responsibilities.

B. Work assignments. Work assignments shall be consistent with qualifications as stated in job descriptions and the approved staffing plan of the facility.

C. Channels of communication. The facility administrator shall develop and maintain channels of communication with employees which include:

1. Distribution of written personnel policies to employees.

2. Regularly scheduled meetings of supervisory personnel.

3. Regularly scheduled meetings between supervisors and subordinates.

4. Probationary and annual employee evaluations.

D. Staff policies and procedures. The facility adminis-

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trator shall develop written policies and procedures to cover emergency situations, such as escape, fire, medical emergencies, etc.; procedural statements concerning admission and release of prisoners, schedules for laundry, feeding, canteen, visiting, security checks and other events of significant bearing on the consistency of operations.

E. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter in policy and procedure manuals.

1. Such manuals shall ~~also~~ be available at ~~post assignments~~ a secure central security station to all staff within the facility.

F. Personnel policies. Written personnel policies shall be developed by the facility administrator and governing body which specify hours of work, vacations, illness, sick leave, holidays, retirement, employee health services, group insurance, evaluation procedures, promotions, personal hygiene practices, attire, conduct, disciplinary actions and other items which will enable employees to perform their duties properly.

G. Availability of standards. Copies of all standards relating to the facility and its operation shall be made available to all personnel of the facility.

1. All personnel shall be instructed in the requirements of the law and standards pertaining to their respective duties.

2. Such instruction shall be documented and on file.

3. Assistance with respect to developing conditions necessary to comply with standards shall be provided by the Commissioner of Corrections when requested.

H. Public information plan. Each facility administrator shall develop a written plan for dissemination of information to the public, to other government agencies, and to the news media.

I. Merit system and collective bargaining. Nothing in this rule shall be construed so as to prevent the establishment of job descriptions, work assignments, channels of communications, or personnel policies by, through or in cooperation with the appropriate merit system or collective bargaining agreement.

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CORR 107 Records and reports.

A. Maintenance of records and reports. Each facility shall maintain accurate and complete records, reports and statistics necessary for the conduct of its operation.

1. The following records, reports and statistics shall be maintained:

- a. Admission and release records.
- b. Prisoner personal property records.
- c. Records of reports submitted to the Department.
- d. Clothing, linen and laundry records.
- e. Records of budget requests and work orders.
- f. Unusual occurrence records.
- g. Records of policies and procedures.
- h. Records of correspondence with the Department.
- i. Employee personnel records.
- j. Records of staff training.
- k. Accounting records.
- l. Registers.
- m. Food service records.
- n. Daily logs.
- o. Medical and dental records.
- p. Programming records (holding facilities exempted).
- q. Disciplinary records.
- r. Good time records (holding facilities exempted).

2. The Department of Corrections shall make available sample approved forms upon request on items A. 1. a.-r.

B. Storage and preservation of records. Space shall be

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provided for the safe storage of records at the facility's record keeping or control center and in general storage.

1. Records shall be filed so as to be organized and readily retrievable.

2. All prisoner records shall be preserved as required by law and in accordance with requirements established by the State Records Center.

C. Filing and disposition of records. Prisoner records shall be incorporated into individual folders and filed at the facility's record keeping or control center.

1. The records of released prisoners shall be promptly completed and filed in the facility.

D. Confidentiality of and access to prisoner records. Confidentiality of prisoner records and prisoner access to factual (non-confidential) data in their personal files shall be kept and provided in conformity with State law.

CORR 108 Prisoner welfare.

A. Separation. A combination of separate living spaces, sanitation facilities, activity spaces, cell units and detention rooms shall be provided to properly segregate prisoners pursuant to MSA 641.14, ~~641.15~~ and ~~636.07~~.

1. The following prisoners shall be housed separately: female prisoners from male prisoners, minor prisoners from adult prisoners, insane prisoners from all other prisoners, prisoners awaiting trial from all other prisoners.

a. In addition to the above statutory requirements, prisoners of different security classification shall be physically separated from one another by provisions for maximum, medium and minimum security living accommodations.

~~+~~ b. Whenever possible within the limitations of the existing facility and staff, witnesses, first offenders, traffic offenders, non-support and contempt cases shall be housed separate from those charged and/or sentenced for criminal offenses.

2. Facility administrators of lockups, jails and adult corrections centers may at their discretion provide supervised activities and programs of a coeducational nature for adult male and adult female prisoners.

a. Supervision of coeducational activities and programs shall be provided by a staff person at all times, and a staff person of the opposite sex shall be in the immediate area in the event their services are required.

B. Classification.

1. Holding facilities. Shall comply with the separation standards herein contained.

2. Lockup facilities. Shall screen all admissions at the time of booking for the purpose of determining prisoner classification by sex, age, category of offense (felon, misdemeanor), degree of escape risk, assaultive/non-assaultive, and other criteria designed to provide for the safety of prisoners, staff and the community.

3. Jail facilities and adult corrections facilities. In addition to the classification requirements for lockups, these facilities shall develop and implement a written classification plan or system which includes specific criteria by which prisoners are assigned to housing units.

a. The decision on which housing unit a prisoner will be assigned to initially shall be made by the intake staff using the above mentioned criteria.

C. Prisoner Rules and Regulations. Information to prisoners.

1. Copies of rules and regulations shall be made available to all prisoners throughout their confinement concerning the following:

a. Rules and regulations governing conduct and disciplinary consequences.

b. Procedures for obtaining personal hygiene and canteen items.

c. Policies governing visiting, correspondence, bathing, laundry and clothing and bedding exchange.

~~3.~~ 2. Each prisoner, except those detained in holding facilities, with within 24 hours of admission (exclusive of weekends and holidays) shall either be provided with a copy of the program options and activities provided in the facility as well as the outside resources available, or interviewed and advised of same by program staff.

~~2.~~ 3. Each of the above shall be explained to those prisoners who are unable to read rules and regulations or have any questions regarding same.

~~1-d.~~ 4. Legal rights. Prisoners shall be advised of their legal rights with respect to detention or confinement by facility personnel to the extent requested and facility staff qualified to advise.

a. Official charge or legal basis for detention and confinement. Every prisoner admitted to any facil-

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ity shall be advised of the official charge or legal basis for detention and confinement.

D. Administrative segregation and prisoner discipline.

1. Administrative segregation.

a. Each facility administrator shall develop and implement policies and procedures for the use of administrative segregation.

~~D-4.a.(1)~~ ~~(a)~~ b. Administrative segregation shall consist of separate and secure housing, but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the prisoner, staff or public.

c. The status of any prisoner placed on administrative segregation shall be reviewed by the facility administrator or his designee at least once every 30 days. Continuation of such status shall require documented approval of the facility administrator or his designee.

~~D-1.~~ 2. Discipline plan.

~~D-1.a.~~ a. All facilities shall have a prisoner discipline plan, which explains clearly and precisely the consequences or administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review and the review process.

~~D-1.a.~~ b. The facility administrator shall include in the disciplinary plan a system of due process which has the approval of the district court and the county attorney.

3. Disciplinary segregation.

a. Disciplinary segregation shall be used only after and in accordance with due process procedures except in instances where the person in charge has determined that a prisoner's behavior necessitates segregation in order to reasonably assure the security and desired management of the facility, but does not allow placement of such prisoner in disciplinary isolation as defined and limited herein.

b. The status of any prisoner placed on disciplinary segregation and subsequent to a due process hearing shall be reviewed by the facility administrator or his designee at least once every 30 days.

c. Any prisoner placed in disciplinary segregation prior to a due process hearing shall have a due process

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hearing within 72 hours of such segregation (exclusive of holidays and weekends) unless documented cause can be shown for delays. As examples:

(1) Prisoner requests for delay.

(2) Logistically impossible as in the case of mass disturbances.

4. Disciplinary isolation.

~~D-4.a.(2)(a)~~ a. Such prisoner shall be placed in isolation only with the approval of the facility administrator or the designated person in charge — shift supervisor ~~and continued retention in such a room shall be reviewed a minimum of every 24 hours.~~

~~D-4.a.(2)(b)~~ b. A medical opinion on placement and retention shall be secured within 24 hours of placement with continued retention to be re-evaluated every 24 hours thereafter.

~~D-4.a.(2)(e)~~ c. Intermittent visual supervision shall be provided at least every half-hour.

~~D-2.a.~~ d. No prisoner shall be held in disciplinary isolation for a period longer than 24 hours without on-site review by the facility administrator or his assistant designee.

~~D-2.a.(1)~~ (1) If continued isolation is deemed necessary ~~by the facility administrator~~, this decision shall be documented, as shall each subsequent on-site review every 24 hours.

~~D-2~~ 5. Other limitations on disciplinary actions.

~~D-2.b.~~ a. The disciplinary ~~isolation~~ cells shall have minimum furnishings and space specified in these standards.

~~D-2.b.(1)~~ b. Prisoners shall be issued clothing and bedding as specified in these standards excepting that those prisoners who persist in the destruction of bedding, clothing or self with same, may be deprived of such articles.

~~D-2.b.(2)~~ (1) The decision to deprive prisoners of such articles of clothing and bedding shall be reviewed by the officer in charge during each eight-hour period, unless specific orders to the contrary have been issued by the facility administrator or his designee or on the advice of a licensed physician or psychologist.

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~~D-2-e.~~ c. The delegation of authority to any prisoner or group of prisoners to exercise the right of punishment over any other prisoner or group of prisoners is expressly prohibited.

~~D-2-d.~~ d. No prisoner shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene under supervision.

~~D-5.~~ 6. Instruments of restraint. Instruments of restraint, such as handcuffs, chains, irons and straightjackets shall never be applied as punishment.

~~D-5-a.~~ a. Instruments of restraint shall not be used except in the following circumstances:

~~D-5-a-(1)~~ (1) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority.

~~D-5-a-(2)~~ (2) On medical grounds by direction of a consulting or attending physician or psychologist.

~~D-5-a-(3)~~ (3) By order of the facility administrator or person in charge, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property.

~~D-5-b.~~ b. The facility administrator shall develop written policies and procedures to govern the use of restraints.

~~D-5-e.~~ c. Such instruments shall not be applied for any longer time than is strictly necessary.

~~D-5-d.~~ d. Each incident involving the use of restraints consistent with D. ~~5-6.~~ a. (2) or D. ~~5-6.~~ a. (3) shall be documented and on file.

~~D-3.~~ 7. Disciplinary records. The keeping of a record of all disciplinary infractions and punishment administered therefor is mandatory.

~~D-3-a.~~ a. This requirement shall be satisfied by retaining copies of rule violation reports and reports of the disposition of each.

E. Activities.

1. Activities plan. Each facility administrator shall develop and implement a plan for the constructive scheduling of prisoner time.

a. The plan shall be consistent with established

legal rights of prisoners, the type and status of prisoners detained and the facility's classification.

b. Such a plan shall include consideration of, but not be limited to the following:

(1) The facility's rated capacity.

(2) The security classification of prisoners confined. Activities and amenities shall be consistent with the classification and behavior of prisoners and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the prisoner's welfare.

~~(3) The variety of activities and leisure services shall be proportionate to the prisoner's length of confinement.~~

2. Provisions for religious services and counseling. Prisoners shall be afforded an opportunity to participate in religious services and counseling on a voluntary basis.

a. The facility administrator shall arrange with the clergy within the area to conduct religious services and provide counseling if requested.

b. Prisoners requesting private interviews ~~and or~~ and or counseling (not capable of being audio monitored), regarding religious, personal or family problems with accredited clergy, nuns, seminarians and laypersons active in community church affairs, shall be afforded this opportunity within such regulations as are reasonable and necessary to protect the facility's security.

c. No prisoner shall be required to attend religious services and religious services shall be held in such a location that the prisoners who do not wish to participate are not exposed to the service.

d. Any prisoner desiring to read the Bible will be provided with a copy of same.

e. Attendance or lack of attendance at religious services shall not be considered as a basis for any right or privilege within the facility.

3. Library service. The facility administrator of each facility shall develop and implement a plan for library service including provisions for:

a. Access to current leisure reading material such as books, magazines and newspapers.

~~(4) Such materials shall be subject to the approval of the facility administrator.~~

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b. Textbooks necessary to complete a course of study and legal books and references requested by prisoners shall be provided upon request to the extent resources permit.

(1) The facility's governing body shall not be responsible for purchasing such materials.

4. Work assignments.

a. Work assignments — juveniles.

(1) Juveniles may be required to perform such duties as making beds, cleaning own rooms, cleaning group living and activity areas.

(2) They shall not be required to perform such duties as personal services to staff, cleaning or maintaining areas away from the facility, replacing employed staff.

(3) Reasonable criteria for eligibility shall be established and any juvenile may be excluded or removed from any type of work assignment for failure to abide by facility rules and regulations.

(4) Care shall be taken not to require any juvenile to do work they cannot perform for physical reasons.

b. Work assignments — adult prisoners. Applies to lockups, jails and adult corrections facilities.

(1) Adults held in custody awaiting court appearances shall not be compelled to participate in any program of work, treatment or rehabilitation. (Requiring an adult to maintain cleanliness of his person and immediate living areas does not violate this principle.)

(2) The facility administrator shall develop and implement an adult work assignment plan. Within the limitations of the number of available work opportunities, such a plan shall provide opportunities for the utilization of both sentenced and unsentenced adults; however, unsentenced adults shall not be compelled to participate in such programs, but shall be given the opportunity to do so. Reasonable criteria for eligibility shall be established, and any adult may be excluded or removed from any type of work assignment for failure to abide by facility rules and regulations.

(3) No adult under sentence shall be required to work more than ten hours per day.

(4) Care shall be taken not to require adults to do work they cannot perform for physical reasons.

(5) All adults under sentence may be required to work, subject to their physical and mental fitness as determined by trained medical personnel.

(6) Within the limits compatible with proper vocational selection and the requirements of facility administration and discipline, consideration shall be given to adults with regard for their work preference and previous training.

5. Canteen. See the Food Service section of these standards.

6. Exercise and recreation. Each facility administrator shall develop and implement a plan providing for opportunities for physical exercise and recreational activities for all prisoners consistent with the facility's classification. Such a plan shall include but is not limited to the following:

a. Such regulations as are reasonable and necessary to protect the facility's security and the prisoners' welfare.

b. Lockups and jails shall develop provisions for a minimum of one hour of such activity during each day.

c. Adult corrections facilities shall develop a plan with provisions for a minimum of two hours daily of organized and supervised physical exercise and recreational activities for all prisoners. Organized and supervised means pre-planned exercise or activities supervised by staff qualified to direct same.

d. Lockups, jails and adult corrections facilities shall have provisions for indoor space and equipment for active recreation consistent with the following criteria:

(1) The facility's rated capacity.

(2) Age, type and length of confinement of prisoners.

(3) Amount of space and equipment provided.

e. Adult corrections facilities shall provide suitable outdoor recreational space, equipment and supportive staff for outdoor recreational programming.

7. Leisure services. Each facility administrator shall

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develop and implement a plan and provisions for leisure time activities, equipment and materials consistent with the following:

a. Holding facilities need not develop such a plan due to the short period of confinement of prisoners.

b. All facilities except holding facilities shall have provisions for leisure time activities that may include television, radio, table games, hobby craft items and library materials. Provisions shall be provided consistent with:

(1) The facility's rated capacity.

(2) The security classification of prisoners confined. Amenities shall be consistent with the classification of prisoners and may be in accordance with established reasonable and necessary facility regulations to protect the facility's security and the prisoners' welfare.

(3) ~~The variety of leisure services provided shall be proportionate to the length of confinement.~~

c. The facility administrator of each lockup, jail and adult corrections facility shall develop and implement in-cell programs for those prisoners who are considered too dangerous to be released from their cells except within the exercise areas provided, as well as those times when it is necessary to confine prisoners to their cells.

F. Visiting.

1. Visiting plan. Each facility administrator shall develop and implement a prisoner visiting plan. Such plan shall be in writing and shall include, but not be limited to the following:

a. Security provisions consistent with security standards stated herein.

b. Provisions for prisoner consultation with their attorneys at the place of confinement ~~as many at reasonable times and for such periods each time as is~~ are reasonable. Attorney visits shall not be monitored.

c. The administrator shall uniformly set the numbers of permissible visits for each prisoner and the number of visitors permitted for each visit.

(1) Although visits must be governed by administrative constraints and space availability, parents' or guardians' visiting policies shall be as unrestrictive as practical with respect to juveniles. The child's parent, guardian or custodian and attorney shall be permitted to make an initial visit to the facility at any time.

(2) Adult prisoners shall be permitted an initial visit ~~within 24 hours~~ with a member or members of their immediate family at the next regularly scheduled visiting period.

(3) Holding facilities shall meet requirements of (1) and (2) above.

(4) Lockups shall meet requirements of (1) and (2) above and shall provide for a minimum of ~~ten~~ six regularly scheduled visiting hours weekly.

(5) Jails shall meet requirements of (1) and (2) above and shall provide for a minimum of ~~14~~ eight regularly scheduled visiting hours weekly.

(6) Adult corrections facilities shall meet requirements of (2) above and shall provide for a minimum of 14 eight regularly scheduled visiting hours weekly.

d. Visits shall be allowed for identified members of a prisoner's immediate family, his counsel, clergyman, and friends as deemed appropriate by the facility administrator or his designee.

e. The administrator may deny a visit to a prisoner when he has reasonable grounds to believe that the visit might endanger the security of the facility.

(1) Reasons for denial of a visit shall be in writing with a copy being issued to the prisoner, the person attempting to visit and on the file in ~~within~~ the facility.

f. Visitors shall register, giving names, addresses, relationship to prisoner and nature of business.

g. Any area used for prisoner visiting with audio monitoring capabilities shall be posted with a written notice of same.

G. Correspondence.

1. Each facility administrator shall develop and implement a plan for the handling of prisoner mail consistent with established legal rights of prisoners and reasonable and necessary facility regulations to protect the facility's security. Such a plan shall include provisions for the following:

a. The volume of written mail to or from the prisoner shall not be restricted.

b. Facility staff shall have the right to inspect incoming ~~and or~~ outgoing mail, but neither incoming ~~mail or~~ nor outgoing mail shall be read or censored without documented justification. A copy of such documentation shall be provided to the affected prisoner. In no case shall incoming or outgoing mail between a prisoner and any of the following

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persons be read or censored: Elected officials, officials of the Department of Corrections, attorneys and judges.

(1) Cash, checks or money orders shall be removed from incoming mail and credited to the prisoners' accounts.

(2) If contraband is discovered in either incoming or outgoing mail, it shall be removed.

c. Indigent prisoners shall receive a postage allowance sufficient to maintain ~~community ties~~; communications with the persons listed in CORR 108 G. 1. b.

H. Clothing, bedding and laundry services.

1. Clothing.

a. Each prisoner shall have neat, clean clothing appropriate for the season.

b. The use of facility clothing on an ongoing basis shall be at the discretion of the facility administrator.

c. All prisoners admitted to the facility who are assigned to living units shall be issued a set of facility clothing.

(1) Their personal clothing may be returned after laundering at the discretion of the facility administrator.

(2) The clothing issue shall consist of clean socks, and suitable outer and undergarments.

(3) Prisoners not admitted to living units who are detained in holding rooms or cells utilized solely for the purpose of intake and release processing need not be issued clothing. Such rooms or cells shall be kept in sanitary condition.

d. Clothing shall be exchanged at least twice each week or more often as necessary.

e. The facility shall have available a sufficient quantity and variety of clothing to insure each prisoner has neat, clean clothing appropriate to the season.

f. Prisoners' excess personal clothing shall be either mailed to, picked up by, or transported to designated family members or stored in ventilated lockers or boxes designed for this purpose and properly identified, inventoried and secured.

(1) Prisoners possessing excess personal property shall sign and receive a copy of the inventory record for such property and indicate their agreement or disagreement with such records.

2. Linens and bedding.

a. Each prisoner admitted to the facility shall have made available the following:

(1) One bath towel, one hand towel, one washcloth.

(2) One clean, firm, fire-retardant mattress.

(3) Two sheets or one sheet and a clean mattress cover.

(4) Sufficient clean blankets to provide comfort under existing temperature conditions.

(5) One pillow and one pillow case.

b. Clean linens shall be furnished at least once each week, or more frequently to maintain cleanliness.

c. Bedding and linens which are worn out or unfit for further use shall not be used.

d. Prisoners not admitted to living units who are detained in holding rooms or cells utilized solely for the purpose of intake and release processing need not be issued linens and bedding.

3. Removal of clothing or bedding.

a. Under extreme circumstances, it may be deemed necessary by the facility administrator or person in charge to remove clothing and/or bedding from a prisoner.

b. As such action implies that all reasonable steps have been taken without success to insure the safety and well-being of the prisoner as well as the security of the facility, an unusual occurrence report shall be completed and filed.

4. Laundry services.

a. Laundry services shall be managed so that daily clothing, linen and bedding needs are met.

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b. The collection, storage and transfer of clean and soiled clothing, bedding and linen shall be accomplished in a manner which will minimize the danger of disease transmission.

(1) Care shall be taken to maintain separation of clean and soiled linens and clothing.

c. Where laundry service is obtained from an outside agency or establishment, such service shall be provided under a written agreement which shall specify that the service meets standards required by the State Department of Health.

d. Prisoners' personal clothing, where allowed, and other non-linen items shall be laundered in accordance with appropriate washing procedures for the various fabrics.

e. Blankets shall not be issued to another prisoner without first being laundered.

I. Emergencies and unusual occurrences.

1. Emergency plan. The facility administrator shall develop a written disaster plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado or other emergencies.

a. The plan shall be developed for each facility and its type of occupancy with the assistance and advice of at least the local fire and/or rescue authority (Civil Defense).

b. The plan shall include information and procedures relative to: locations of alarm signals and fire fighting equipment, frequency of drills, assignment of specific tasks and responsibilities of the personnel on each shift, persons and local emergency department to be notified, precautions and safety measures during tornado alerts, procedures for evacuation of prisoners during emergencies when necessary, and arrangements for temporary emergency confinement and care in the community in the event of a total evacuation.

c. Copies of the disaster plan containing basic emergency procedures shall be ~~posted at all staff stations~~ available at a secure central security station to all staff within the facility.

d. Copies of a detailed disaster plan shall be available to all supervisory personnel.

2. Security policies and procedures. Emergency planning shall be sufficient to provide immediate and effective action in the event of any emergency.

a. All such planning shall be inclusive of policies

and procedures designed to protect the public by securely detaining prisoners who present a danger to the community or to themselves.

3. Other emergency planning. In addition to development of a disaster plan as outlined in I. 1., emergency planning shall be sufficient to provide immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident deemed a medical emergency, power failure, major prisoner disturbances such as riots or rebellions, assaults and outbreaks of contagious disease or epidemic.

4. ~~Auxiliary Source of Power. Each facility shall have an auxiliary source of power which is capable of providing light, heat and communication during a power failure.~~

Plans shall be developed and maintained sufficient to maintain the health, safety and security of prisoners and facility during brief or extended losses of light, heat or communications.

5. Emergency procedures meeting. There shall be a meeting of all employees on each shift at least once every three months to discuss and review emergency procedures used in the facility. Business of the meeting shall cover:

a. Assignment of persons to specific tasks and responsibilities in case of emergency situations.

b. Instructions relating to the use of alarm systems and signals.

c. Systems for notification of appropriate persons outside the facility.

d. Information on the location and use of emergency equipment in the facility.

e. Specification of evacuation routes and procedures.

6. Unusual occurrences.

a. All incidents or attempted incidents of an unusual or serious nature which involve, or endanger the lives or physical welfare of facility staff or prisoners shall be reported to the Department within ~~72 hours~~ ten days in writing.

(1) Such report shall include the name(s) of person(s) involved (staff and prisoners), nature of unusual occurrence, actions taken, and the date and time of occurrence.

(2) Unusual occurrences shall include, but need not be limited to the following:

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- (a) Suicide.
- (b) Homicide.
- (c) Death (other than suicide or homicide).
- (d) Serious injury or illness (accidental, self or other inflicted, incurred subsequent to detention.)
- (e) Escape, runaway or work release absconders.
- (f) Fire.
- (g) Riot.
- (h) Assaults on staff or prisoners.
- (i) Other serious disturbances.
- (j) Occurrences of infectious diseases and disposition.

(3) Unusual occurrences shall be reported on Minnesota Department of Corrections Form CORR 390, "Special Incident Reporting Form for Local Detention Facilities" or on incident report formats already maintained by the facility containing the same information. Copies of the form may be obtained by contacting the Director of Inspection and Enforcement.

(4) In the event of an emergency or unusual occurrence such as ~~hospitalization~~, serious illness, accident, imminent death or death, the prisoner's family or others who maintain a close relationship with him shall be notified.

7. Prisoner death. When a prisoner's death occurs:

- a. The date, time and circumstances of the prisoner's death shall be recorded in the prisoner's record.
- b. If the prisoner dies in the facility, the coroner's office shall be notified.
- c. Personal belongings shall be handled in a responsible and legal manner.
- d. Records of a deceased prisoner shall be retained for a period of time in accordance with law and the requirements of the State Records Center.
- e. The facility administrator shall observe all perti-

nent laws and allow appropriate investigating authorities full access to all facts surrounding the death.

CORR 109 Food service.

A. General requirements. The goals of food service in each facility shall be to provide food and beverages to prisoners that are nutritionally adequate, that are palatable, that are produced in a manner to prevent foodborne illness, are of adequate quantity and variety, are served at appropriate temperatures and are prepared by methods which conserve nutritional value.

B. Food handling practices.

1. Any food service provided in a correctional facility shall be in accordance with the provisions of the Minnesota State Board of Health Regulations MHD 161-170 governing food service and beverage service establishments.

2. Wherever the food service in a facility is limited to serving ten prisoners or less, then variances from the requirements may be granted by the Department of Corrections after consultation with the State Department of Health.

a. These variances may include, but not be limited to, substitution of certain domestic type equipment for commercial type.

3. When food is catered into the facility, it shall be obtained from a source acceptable to the Minnesota State Board of Health and transported, handled and served in accordance with provisions of applicable regulations of the Board.

C. Dietary allowances. The food and nutritional needs of prisoners shall be met in accordance with their needs, physician's orders and shall to the extent medically possible, meet the dietary allowances contained in CORR 109 C.

1. for all prisoners detained or confined in lockups, jails and adult corrections facilities. Food service requirements for holding facilities are contained in CORR 109 D.

1. Lockups, jails and adult corrections facilities. All lockups, jails and adult corrections facilities shall have menu planning sufficient to provide each prisoner the following specified food servings per day:

a. Meat or protein group. Two or more servings per day. A serving of meat or protein is defined as:

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2-3 ounces cooked (equivalent to 3-4 ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, or variety meats such as liver, heart and kidney.

2 slices prepared luncheon meat.

2 eggs.

2 ounces of fresh or frozen cooked fish or shellfish, or ½ cup canned fish.

1½ cup cooked navy beans plus one ounce of animal protein.

b. Milk group. Two or more servings per day. A serving is defined as eight (8) ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups, desserts, etc.

1 ounce of American cheese for ¾ cup milk.

¾ ½ cup creamed cottage cheese for ⅓ cup milk.

½ cup ice cream for ¼ cup milk.

c. Vegetable group. Two or more servings per day, one of which is deep green or yellow for Vitamin A. A serving is defined as ½ cup. Potatoes may be included once daily as a vegetable.

~~d. Potato or Potato Substitute. One serving white or sweet potatoes; macaroni; spaghetti; noodles or rice.~~

~~e. d.~~ Fruit group. Two or more servings per day, one of which is citrus (i.e., orange, grapefruit) or tomato or other good source of Vitamin C. A serving of citrus fruit or tomato is defined as:

1 medium orange or 4 ounces of orange juice.

½ grapefruit or 4 ounces of grapefruit juice.

1 large tomato or 8 ounces of tomato juice.

~~f. e.~~ Cereal and bread group. ~~Three to four~~ Four or more servings per day of whole grain or enriched products. A serving is defined as:

1 slice bread.

½ cup cooked cereal.

¾ cup dry cereal.

½ cup macaroni, rice, ~~or~~ noodles or spaghetti.

~~g. f.~~ Fats. Use butter, fortified margarine, cream or salad oil in moderate amounts to make food palatable.

~~h. g.~~ Supplementing caloric needs. Additional servings of the above foods may be used or the following foods added to meet caloric needs: soups, sweets such as desserts, sugar, jellies, or other fats such as bacon, cream and salad dressings.

D. Holding facilities.

1. Holding facilities with a minimum number of prisoners at any one time, and not normally holding prisoners in excess of 72 hours, shall either contract with a State Department of Health approved local restaurant for catering of food services, or shall purchase food on a "when and as necessary" basis for prisoners being temporarily detained.

2. The following standards shall apply:

a. Food shall be of sufficient nutritional value.

b. Food shall be provided at reasonable and proper intervals, e.g., adhering to breakfast, lunch and dinner schedules.

c. Food shall be served promptly after being cooked.

d. Coffee, tea or milk shall be served with each meal.

e. Utensils shall be cleaned in conformity with State Department of Health standards insuring sanitary cleanliness.

f. A minimum of one hot meal shall be provided for each 24 hours of detention.

E. Frequency of meals. There shall not be more than 14 hours between a substantial evening meal and breakfast. Where prisoners are not routinely absent from the facility for work or other purposes, at least three meals shall be made available at regular times during each 24 hour period.

F. Therapeutic diets. Any facility housing prisoners in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided for as ordered by the attending physician.

G. Use of food in discipline. Food shall not be withheld as a punishment for unacceptable behavior.

H. Supervision of meal serving. All meals shall be served under the direct supervision of staff.

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I. Menu records. Records of menus and of foods purchased shall be filed for one year.

J. Hot meal minimum. A minimum of one hot meal shall be provided for each 24 hours of confinement.

K. Canteen.

1. All lockup, jail and adult corrections facilities with approved capacities of 50 or less shall provide prisoners with a printed list of approved canteen items to be purchased by a facility staff member at local stores if the facility does not operate a canteen in the facility.

2. All such facilities with approved capacities over 50 shall establish, maintain and operate a canteen in the facility.

3. Each prisoner shall have an opportunity to purchase from the canteen at least twice per week.

4. Holding facilities are not required to provide canteen services.

5. All vending machines used shall meet ~~appropriate~~ State Minnesota Department of Health and Department of Agriculture requirements.

L. Budgeting, purchasing and accounting.

1. Each facility administrator of lockups, jails and adult corrections facilities shall, in cooperation with the local unit of government or governing body and food service supervisor, establish policies and procedures for budgeting, purchasing and accounting.

2. Such policies and procedures shall include, but need not be limited to:

a. A food expenditure cost accounting system designed to isolate cost per meal per prisoner.

b. Policies and procedures for estimating food service requirements in advance of their need.

c. Consideration of prisoner eating habits and food waste.

d. Consideration of facilities for storage and refrigeration as well as accepted storage periods for dry, canned and perishable foods.

M. Containers and food storage.

1. Food containers. All food or food products, prepared or in bulk shall be stored in approved seamless containers after opening of the original container. Dry milk and milk products after opening shall be stored in seamless, air-tight containers.

2. Storage of non-perishable food. Non-perishable food, and single-service articles shall be stored off the floor on washable shelving in a ventilated room. It shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

3. Storage of perishable and potentially hazardous food. All perishable food (fresh fruit and vegetables) and potentially hazardous food (meat and dairy products) shall be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage. Meat and dairy products shall be stored at 40 degrees Fahrenheit or below, and fruit and vegetables at 50 degrees Fahrenheit or below. When stored together, the lower temperature shall apply. Temperatures shall be monitored by an accurate thermometer.

4. Prohibited storage. The storage of detergents, cleaners, pesticides and other non-food items, including employees' personal items, is prohibited in food storage areas.

5. Returned food. Returned portions of food and beverages from individual servings shall not be reused unless such food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

6. Ice. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from contact with the ice.

N. Transport of food. Food shall be covered during transport through non-dietary areas, but need not be covered when served in a contiguous dining area. The food service system shall be capable of ~~keeping food hot or cold until served~~ maintaining hot foods at 150 degrees Fahrenheit or higher; cold food at 40 degrees Fahrenheit or lower. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linens or soiled dishes, shall not be used for the transport of food.

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CORR 110 Security.

A. Policies and procedures. Security policies and procedures shall be developed to cover at least the following. Such policies and procedures shall recognize that the primary objective of each facility is to protect the public by securely detaining persons who present a danger to the community or to themselves.

1. Control and recovery of contraband.
2. Visitor and visit control.
3. Delivery and service procedure.
4. Equipment maintenance and efficiency.
5. Prohibition on firearms in prisoner areas.
6. Search and shakedown schedules and procedures.
7. Escort of prisoners outside security areas.
8. One-half hour interval security inspection routines.

a. One-hour intervals are acceptable if proper auditory and visual supplements are provided.

9. Escape prevention and action plans.
10. Tool, medication, key and weapon control procedures.
11. Count procedure.
12. Classification of prisoners.
13. Lockup and disciplinary procedures.
14. Riot prevention and control procedures.

B. Admissions.

1. The intake procedure conducted by the admitting officer for all admissions, including prisoners on release status from the facility, upon their return, shall provide for a thorough search of the prisoner and belongings; in the event of all new admissions, a shower (delousing if indicated), an assessment of health status and physical needs, security classification, an inventory of prisoner's property, properly recorded and ~~signed~~ signed by the owner as correct, fingerprinting, photographing and completion of an admission form ~~to include all information required in Minn. Stat. 241.021.~~

2. No prisoner shall be received by the staff of a facil-

ity until the arresting or escorting officer has produced proper credentials and/or until the proper documents have been completed, identifying the purpose for the apprehension or commitment.

3. All intake procedures shall be conducted in a manner and location that assures the personal privacy of the prisoner and the confidentiality of the transaction from unauthorized personnel.

C. Releases.

1. Upon release of a prisoner, the property of that prisoner, unless held for authorized investigation or litigation, shall be returned with a signed receipt acknowledging same.

2. No prisoner shall be released in intemperate weather without proper clothing to insure health and safekeeping.

3. Whenever possible, prisoners shall be permitted to make arrangements for transportation prior to their release.

D. Search and shakedowns.

1. Visitors who seek to enter the security area of the facility shall not be permitted admission whenever they refuse to submit to a requested search, either frisk or strip, conducted by a member of the same sex.

2. The facility shall be regularly inspected for contraband; evidence of breaches in security; inoperable security equipment.

3. All materials delivered to or transported from the facility shall be inspected for contraband prior to distribution.

E. Locks and keys.

1. All keys to security locks shall be properly tagged and stored in a secure cabinet within a secure area, out of reach from the prisoners or the public. At least one new complete set of facility keys shall be kept on hand for replacement purposes.

a. Keys that serve a critical security purpose shall be ~~red tagged for easy identification~~ easily identifiable and never issued except upon order of the facility administrator or person in charge, and in accordance with established procedure.

b. No security keys shall be made available to prisoners regardless of their status.

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2. All locks to security doors or gates shall be inspected regularly to insure their efficient operation.

a. No lock to a security door or gate shall be permitted to be broken, inoperable, or left in an unsuitable condition for any unnecessary period of time.

b. No prisoner shall be imprisoned in a cell or area which has inoperable locks.

F. Weapons, tools, equipment, medications, hazardous substance.

1. Firearms or other dangerous weapons, regardless of condition, shall not be located within the prisoner areas of the facility.

a. A secure armory or other such resource shall be provided in an area protected from both the public and the facility's prisoners.

2. Materials which can be deleterious to security, safety and health shall be properly secured, inventoried and dispensed.

3. When not in use, all tools shall be kept in locked storage areas.

a. Each tool shall be numbered and hung on a corresponding numbered hook with a painted silhouette of the tool placed on the back or wall of the storage area for easy identification of tool absence.

b. Maintenance tools brought into the facility shall be inventoried upon entrance into and release from the facility.

4. Hazardous substances ~~such as aerosol containers~~ shall be stored outside the prisoners' living areas.

a. Cleaning substances which can be so described shall be handled only by staff and shall not be issued to prisoners to use regardless of status or trust level.

G. Count procedure.

1. Each facility shall have a written statement specifying the system to be used for regularly counting the number of prisoners under its jurisdiction.

a. Systems for counting shall include a master count

board indicating the total number at all times and immediately report changes as they occur.

b. A separate log book shall be kept to serve as a check and validation to the count board.

c. Formal counts shall be completed with an official entry made in the daily log after each mass movement or change in areas and/or at least once each eight hours.

d. Informal counting shall be completed during each inspection made by staff and shall be conducted at least once within each one-half hour interval. One-hour intervals are acceptable if proper auditory and visual supplements are provided.

CORR 111 Environmental-personal health and sanitation.

A. Availability of medical and dental resources.

1. Each facility shall have a licensed physician(s) or medical resources such as a hospital or clinic designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Such physician(s) or resources shall insure 24 hour a day availability of consultation, advice and emergency service response and shall be located in the same or a nearby community.

2. Each facility shall have emergency dental care available to prisoners. Such dental care shall be available in the same or a nearby community. Such care need not be available on a 24 hour basis except to the extent an attending physician may deem necessary and appropriate.

3. Ambulance services shall be available on a 24 hour a day basis.

4. A prisoner shall be examined by trained medical personnel if the prisoner is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary.

B. Posting of available resources.

1. A listing of the medical, dental and ambulance resources designated for use by the facility and the telephone numbers of same shall be posted at each staff station in the facility.

a. Such list shall clearly indicate what resource(s) is/are available at any time of the day or night.

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C. Hospitalization of a prisoner.

1. Each facility shall have an agreement with a hospital in the same or nearby community permitting admission of a prisoner without delay on the recommendation of the attending physician.

2. When a prisoner requires hospitalization, he shall be guarded on a 24 hour per day basis ~~except when the facility administrator and hospital administrator have mutually agreed that a guard is unnecessary unless the following conditions have been satisfied.~~

a. The prisoner has been deemed not in need of custody supervision (as an example, a prisoner on work release status), or

b. The prisoner is medically incapacitated in the opinion of the attending physician, and

c. The facility administrator retains legal responsibility for the custody of the prisoner unless a court order indicates otherwise, and

d. The hospital administrator and facility administrator mutually agree that a guard is unnecessary to the reasonable assurance of the prisoner's custody.

D. First aid.

1. All custodial personnel responsible for the supervision, safety and well-being of prisoners shall be trained in emergency first aid procedures.

2. All facilities shall have a minimum of one first aid kit located at the facility's control center or primary staff station.

3. The first aid kit shall be inspected by a designated staff person at least once every three months to assess the need for replenishment of supplies.

E. Medical and dental records.

1. Each facility shall record all complaints of illness or injury with actions taken pursuant to same.

2. Medical or dental records shall be maintained on any prisoner under medical or dental supervision, care or treatment while confined.

a. Minimally, such records shall include appropriate information with respect to prisoner limitations or disabilities, instructions relative to prisoner care, written orders for all medications with stop dates, treatment,

therapeutic diets, extent or restriction of activity, and the time, date and medical or dental person involved in any examination, treatment or consultation with respect to the prisoner.

3. Medical and dental records related to prisoner care shall be available to staff on duty for consultation in case of illness and for recording administration of medications.

4. A statement concerning the prisoner's medical or dental condition shall be obtained from the attending physician or dentist on any prisoner under medical or dental care.

F. ~~Preventative~~ Preventive health services.

1. The facility administrator shall develop and implement a written plan for attainment of personal hygiene practices of all prisoners with special assistance for those prisoners who are unable to care for themselves.

2. All staff and volunteers shall adhere to established policies and procedures relating to personal hygiene practices including clean attire.

3. Delousing materials and procedures shall be approved through consultation with trained medical personnel.

4. Each prisoner shall be ~~required to bathe or shower twice weekly and~~ permitted daily bathing or showering shall be permitted.

5. Haircuts shall be made available to prisoners at least once each month.

6. ~~Prisoners are not responsible for furnishing personal hygiene items and indigent prisoners shall receive provisions for same at facility expense. Indigent prisoners shall receive provisions for obtaining personal hygiene items at facility expense.~~

G. ~~Administration of Medication-~~ Delivery, supervision and control of medicine.

1. ~~Medications shall be administered~~ Delivery of medicine shall be conducted only by licensed medical, or nursing personnel or by facility staff members who have successfully completed a Minnesota Department of Health approved training program on the "Administration of Medications by Delivery of Medicine for Unlicensed Personnel."

a. ~~This program is offered under the auspices of the Health Facilities Division of the State Department of Health.~~

2. ~~The administration of medications~~ The delivery of legend drugs by unlicensed staff shall be under the ultimate supervision of a consulting physician.

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3. Every facility administrator, in consultation with a licensed physician, shall develop plans, establish procedures and accessories for the secure storage ~~and the controlled administration of all legally obtained drugs,~~ delivery, supervision and control of medicine. Such plans, procedures, space and accessories shall include, but need not be limited to the following:

a. Storage.

(1) All ~~medications~~ medicines shall be kept in a locked medicine cabinet or locked medicine room. The storage facility shall be kept locked at all times when not in use. ~~Drugs~~ Medicine requiring refrigeration shall either be stored in a refrigerator in a locked room to which prisoners are not permitted, or shall be stored in a refrigerator equipped with an attached, separately locked compartment within the refrigerator if said refrigerator is neither locked nor in a locked room to which prisoners are not permitted. Prisoners shall not be allowed in any room used for the storage of medicine without direct staff supervision. Only staff authorized to deliver medicine shall have access to keys for medicine storage areas.

(2) Stock supplies of legend (prescription-type) drugs shall not be maintained.

(3) All prescribed ~~medications~~ medicine shall be kept in ~~their~~ its original container, bearing the original label with information stating the prescription number, name of drug, strength and quantity of drug, expiration date if applicable, directions for use, prisoner's name, physician's name, date of original issue (or in the case of a refill, the most recent date thereof), and the name and address of the licensed pharmacy issuing the medication.

(4) All poisons and ~~medications~~ medicine intended for external use shall be clearly so marked and shall be stored separate from ~~medications~~ medicine intended for internal use.

b. ~~Administration of Medicine.~~ Delivery control.
The following shall be established:

(1) Diabetics with permission of the attending physician may self-administer insulin injections under staff supervision.

(2) All other medicine administered by injection may be given only by a physician, registered nurse, or licensed practical nurse.

(3) Unless ordered otherwise by the attending physician, all other medicine delivered to prisoners shall be self-administered under staff supervision.

(4) Means for the positive identification of the recipient of the prescribed medication all medicine.

(5) Procedures for assuring that the legally obtained medications prescribed medicine will be administered by the correct route delivered in accordance with physician instructions at the correct time and in the prescribed dose.

(6) No prisoner while receiving legend drugs shall receive any non-legend drug without the approval of the attending physician.

(7) Procedures for confirming that orally administered medication medicine delivered for oral ingestion has been ingested.

(8) Procedures for recording the fact that the prescribed dose has been administered delivered and by whom.

(9) Procedures whereby adverse reactions to drugs are reported at once to the attending physician and an explanation made in the prisoner's record.

(10) Procedures whereby prisoner refusal of medications prescribed medicine is reported to the attending physician and an explanation made in the prisoner's record.

(11) Procedures for insuring that no prisoner is deprived of medication medicine as prescribed because of penalty or staff retaliation.

(12) Procedures which prohibit the administration of drugs delivery of medicine by prisoners.

(13) Procedures whereby a physician is contacted prior to the next medication administration prescribed medicine dosage time for instructions on all newly admitted prisoners who are either in possession of medications prescribed medicine or who indicate a need for such.

c. Recording of Controlled Legend drugs entering the facility. Records of receipt, the quantity of such drugs, and of the disposition of all controlled legend drugs shall be maintained in sufficient detail to enable an accurate reconciliation at any time.

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4. If authorized by the attending physician, ~~medications~~ prescribed medicine belonging to prisoners shall be given to them when released or to appropriate authorities when transferred.

a. This shall be recorded in the prisoner's record.

5. Unused portions of ~~prescription drugs~~ prescribed medicine shall be destroyed by incineration or by flushing into the sewer system.

a. Such destruction shall be performed by the facility administrator and witnessed by a staff member.

b. A notation of the destruction shall be made in the prisoner's record and shall include the name and quantity of the drug destroyed and shall be signed by the facility administrator and staff witness.

6. Unused portions of controlled substances shall be handled by contacting the Minnesota ~~Pharmacy Board~~ Board of Pharmacy.

7. Methadone programs shall not be made available unless in compliance with all existing laws and regulations governing such programs.

H. Reporting suspected communicable disease.

1. When no physician is in attendance, it shall be the duty of the facility administrator, or other person in charge of any institution or any other person having knowledge of any individual believed to have or suspected of having any disease, presumably communicable, to report immediately the name and address of any such person to the local health officer. Until official action on such has been taken, strict isolation shall be maintained.

I. Isolation for communicable disease.

1. Prisoners who are suspected of having a communicable disease shall be detained in isolation for only that period of time necessary to obtain advice and consultation from a physician concerning the prisoner's status and recommendations for care.

a. Continuation of such isolation shall be determined by the attending physician.

2. A prisoner placed in isolation for medical reasons shall not be deprived of any privileges, rights or amenities than consistent with his classification prior to such assignment except to the extent that such privileges, rights or amenities would endanger the health of staff, other prisoners, or the public.

J. Mentally ill prisoners.

1. Each facility administrator shall segregate all mentally ill prisoners.

a. If a licensed physician's opinion (preferably a psychiatrist) or certified consulting psychologist's opinion is not readily available ~~a prisoner shall be considered mentally ill~~, the facility administrator or his designee may consider a prisoner for the purposes of this section if he or she appears to be or to be mentally ill if he has reason to believe the prisoner to be in imminent danger of injuring himself or others if not immediately restrained.

2. If the facility administrator, his designee, or a certified consulting psychologist determines a prisoner to be mentally ill, a licensed physician's opinion (preferably a psychiatrist) shall be secured as soon as possible, but not more than eight hours after such segregation.

3. If such licensed physician's opinion is supportive of the facility administrator's, his designee's or the consulting psychologist's opinion and if practical and feasible, such a ~~mentally ill~~ prisoner shall be transferred to a medical facility designated by the county and approved by the State Department of Health for diagnosis, treatment and evaluation of such suspected mental illness according to Chapter 253 of Minnesota Statutes Hospitalization and Commitment Act, pursuant to Minn. Stat. § 253 A.04 Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons.

K. Housekeeping, sanitation and plant maintenance.

1. General requirement. The entire facility inclusive of every building, structure or enclosure utilized by the facility — walls, floors, ceiling, registers, fixtures, equipment and furnishings shall be kept in good repair and so maintained as to protect the health, comfort, safety and well-being of prisoners and staff.

2. Established plan. Each facility administrator person (facility administrator, building superintendent, county maintenance engineer, etc.) responsible for plant maintenance, housekeeping and sanitation shall develop and implement a written plan with identified policies and procedures related to preventive maintenance, housekeeping and sanitation for same.

3. Compliance with existing regulations. Housekeeping, sanitation, water supplies, plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions must minimally comply with regulations required by the Uniform State Building Code, the State Fire Marshal's Office, the Minnesota Department of Health, the Minnesota Department of Labor and Industry (O.S.H.A.) and whatever other departmental rules have the force of law.

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4. Inspections.

a. The facility administrator shall establish a plan for the daily inspection of the facility with respect to housekeeping, sanitation and plant maintenance.

5. Budget. The facility administrator shall submit a list of probable repairs and expenditures for routine housekeeping supplies, repairs, and special requests related to physical plant maintenance, housekeeping and sanitation at the beginning of each month, or as a part of an annual budget request to the facility's governing body.

6. Work requests.

a. The facility administrator in cooperation with the facility's governing body shall develop policies and procedures designed to detect building and equipment deterioration, safety hazards and unsanitary conditions in the early stages of their development and provide for their repair, correction or modification so that such conditions are eliminated to the extent required by regulations contained herein.

b. Such policies and procedures shall include but are not limited to:

(1) Requiring facility staff to report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs as they are observed.

(2) A process whereby work requests are prioritized and filed with the governing body by the facility administrator in an expedient manner.

(3) A records system allowing review of budget and work requests, expenditures, dates and actions pursuant to detection of need, submission of work orders and completion of requests.

7. Insect and rodent control. Any condition on the site or in the facility conducive to harborage or breeding of insects, rodents, or other vermin shall be eliminated immediately.

a. Cleaning, renovation, or fumigation by licensed pest control operators for the elimination of such pests shall be used when necessary.

CORR 112 New construction.

A. Construction principles.

1. All rules contained herein, except to the extent ex-

ceptions are stated, shall apply to each holding facility, lockup, jail and adult corrections center.

2. All construction shall comply with regulations required by the Uniform State Building Code, adopted by the State of Minnesota and standards stated herein applicable to the facility's classification and security classification of prisoners confined.

3. Wherever specific mention of a construction condition or specification is not made, the requirements of the State Building Code, the Fire Marshall, the Minnesota Health Department, the Minnesota Department of Labor and Industry and any other federal or state regulating agency with lawful authority to define construction requirements shall apply.

4. Where mention is not made of measurements, gauges, quality, volume, intensity, or some other such characteristic with respect to security areas or products, such specifications shall be equal to or exceed those required by established security product manufacturers who are recognized as creditable firms in the field of jail and prison hardware and equipment.

5. Where mention is made of measurements, gauges, quality, volume, intensity or whatever other characteristic equal to or exceeding the specifications presented herein shall be acceptable.

a. Where such equivalent products are to be used, a letter certifying that such products are equal to or exceed the specifications noted herein, shall be ~~provided to the Department of Corrections by an authorized accredited manufacturer of security products or authorized governmental regulating agency~~ filed with the architect, owner and Department of Corrections by the manufacturer of such product prior to Department approval of any new construction.

b. Whenever an article or material is defined by describing a proprietary product or by using the name of the manufacturer, the term, 'or architect/engineer approved equivalent' if not inserted, shall be implied.

6. Lockups, jails and adult corrections centers shall be designated to accommodate maximum, medium and minimum security prisoners and shall provide maximum, medium and minimum security living accommodations.

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a. Holding facilities shall minimally provide medium security living accommodations for prisoners. They are not required to provide maximum or minimum security accommodations.

b. Adult corrections facilities designed and approved by the Department to accept only one classification of prisoner (maximum, medium or minimum) may have the capability of providing security of that classification only.

B. General conditions.

1. The design shall not cause conflicts in the necessary functions of activities.

a. No activity shall be terminated or delayed by cause created because of another necessary activity.

2. Staff work stations and control rooms shall be situated to provide the greatest degree of observation of traffic flow and supervised internal activities as possible.

a. A staff work station or control room shall be located on the same floor of the building as prisoner living areas for usage by custodial staff whose primary duties are the day-to-day supervision of prisoners of a local facility.

b. Where staff are employed as combination jailer/dispatchers, such staff work station or control room shall be located on the same floor of the building as prisoner living areas.

c. Dispatcher work stations or control rooms need not be located on the same floor as prisoner living areas when such staff are not responsible for the supervision of prisoners.

3. Staff work stations and control rooms which supervise security activities shall be separated from the public and the prisoners by security barriers, and shall be protected from direct observation from the outside of the facility.

4. The design shall provide for separation of prisoners and the public; the prisoners and the staff; prisoners of one classification and another; prisoners and unauthorized areas of the facility.

5. There shall be provisions to conduct all maximum security prisoner functions within the security perimeter of the facility.

6. There shall be ~~provisions for~~ a minimum of two physical barriers between ~~prisoners in~~ maximum security prisoners and freedom during unsupervised activities.

7. Storage areas shall be sufficient to provide adequate

space for separation and security of keys, weapons, drugs and medications, tools, evidence, recovered stolen property, mattresses, linens and bedding, housekeeping equipment and supplies, clothing, prisoners' property, canteen and hygiene items and records.

a. Secure weapon depositories separate and distinct from armories shall be provided outside the security areas for the temporary safekeeping of officers' weapons.

8. The design shall provide for service deliveries to be accomplished without interfering or interacting with the security of the facility.

9. Electrical auditory two-way communications shall be provided between control stations and prisoner areas of the facility.

~~10. All hardware and fixtures shall be of the type manufactured by accredited manufacturers of jail and prison hardware and equipment.~~

~~11. 10.~~ Padlocks shall not be used in place of a security lock on any door, window or cabinet within the security perimeter of the facility.

~~12. 11.~~ No prisoner traffic corridor shall be less than five feet in width in security areas.

~~13. 12.~~ Illumination levels shall provide at least 30 foot candles of illumination in all living areas and 100 foot candles in all work or study areas of the facility meet current recommendations of the Illumination Engineers Society.

~~14. 13.~~ The design of the facility shall provide for communication to be accomplished with the required levels of confidentiality.

~~15. 14.~~ Visiting provisions shall be designed to provide flexibility in the degree of security required to accommodate both non-contact visiting as well as privileged visiting in the situations that require and justify this level of interaction.

~~15. a. a.~~ Visiting space shall be provided so that at least 1/10 of the facility's capacity can be accommodated at any time.

~~15. b. b.~~ At least 25 square feet per prisoner visiting station shall be provided.

~~16. 15.~~ Each entrance of a facility shall be constructed to permit the control room or secure reception area observation and identification of the person(s) seeking admission prior to their gaining access to a security area.

~~17. Noise attenuation shall be maximized in materials~~

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utilized to separate various classifications of prisoners and prisoner areas of the facility from administrative and public areas of the facility.

~~17-~~ 16. Provision shall be made for the maintenance of a noise level averaging no higher than 65-70 decibels in the daytime and 40-45 decibels at night for the prisoner living areas.

~~17- a-~~ a. Attention shall be given to restrict noise levels in one area of the facility from interfering with activities in another area.

~~18-~~ 17. All exposed surfaces of the facility's physical plant, equipment or furnishings utilized therein shall be of materials and construction which provide for cleanability of surfaces without unreasonable effort.

~~19-~~ 18. Each prisoner living area shall be provided with a minimum of six cubic feet of storage space for ~~toilet-ries, etc-~~ per prisoner.

~~20-~~ 19. All hot water to prisoner showers and washbasins shall be tempered to ~~40~~ 105 degrees Fahrenheit to 120 degrees Fahrenheit.

~~21-~~ 20. All facilities shall be designed and provided with necessary equipment to maintain temperatures in prisoner living areas between 65 and 71 degrees Fahrenheit during winter months and between 65 and 85 degrees Fahrenheit during summer months.

~~22-~~ 21. Non-skid, non-slip flooring shall be provided ~~in~~ on all stairways, ramps, and shower floors.

~~23-~~ 22. Smoke and heat detection equipment shall be provided in all facilities.

~~24-~~ 23. The use of closed-circuit television equipment shall be approved by the Department on an individual case basis upon review of the facility design concept and staffing plan.

~~24- a-~~ a. Closed-circuit television equipment shall not be approved for usage in situations where the Department has determined that the usage of same is inconsistent with proper security practices, the legal rights of prisoners, or is being used in lieu of adequate staff resources.

~~25-~~ 24. All cells or detention rooms shall have a minimum ceiling height of eight feet.

~~26-~~ 25. All dormitories designed for a capacity of ten or more prisoners shall have a minimum ceiling height of ~~ten~~ nine feet.

~~27-~~ 26. All eating areas outside of cells or detention rooms shall be sufficiently visually apart from toilet and shower facilities ~~to provide palatable eating conditions.~~

~~28-~~ 27. Minimum security areas of the facility shall be adequately separated from other areas of the facility with more stringent security classifications.

~~29-~~ 28. Isolation areas shall be located so that all prisoners, regardless of classification or sex, may have access without violating privacy and security requirements.

~~30-~~ 29. Jails and adult corrections facilities shall provide space designed to conduct constructive programmed activities that can include outsiders in areas other than the living areas of the facility without compromising the security and control of the facility's operation.

~~31-~~ 30. Lockups shall provide at least one multipurpose room that may be used for such purposes as religious services, small group counseling, etc.

~~32-~~ 31. Maximum security cells are designed with the intended use being only for adult males classified as dangerous. However, justifiable exceptions will be accepted for all prisoners whose use of such a facility is necessary.

~~CORR 108 I-4-~~ 32. ~~Auxiliary Source of Power-~~ Each facility shall have an auxiliary source of power which is capable of providing light, heat and communication during a power failure.

C. Administrative and public areas.

1. Administrative, clerical, maintenance and service personnel shall be provided with office and storage space to meet established and projected needs which shall be separate and apart from the inner security areas and prisoner-occupied areas of the facility.

2. Public areas of the facility shall provide a controlled access to the building and to all security areas of the building.

3. Public areas shall be situated so as not to interfere with all necessary functions of the facility and shall provide

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for the comfort and convenience of the public including sufficient seating, toilets, lavatories, drinking ~~faucets~~ fountains and telephones.

D. Receiving area.

1. Intake and receiving areas shall be located in an area protected from the public, but separate from the areas occupied by the other prisoners of the facility.

2. Each receiving area of a facility shall provide for privacy of searching, showering and processing of an admission as well as a secure holding area properly equipped for the convenience of the detainee for up to six hours of detention. There shall be provisions for storage for clothing issued and property received.

E. Living area.

1. The design of the facility shall provide for proper segregation of prisoners.

2. Male and female areas shall be so situated as to preclude the need for staff and/or prisoners of the opposite sex from routinely trafficking in each others' areas.

3. Prisoners' rights to privacy from degrading, unauthorized observation shall be protected without compromising the security and control of the facility.

4. No living area shall ~~be permitted below~~ have a floor line more than three feet below the adjacent ground level.

5. All ventilation and heating vents shall be located so as not to create an air flow directly on a bed or eating area.

~~6. Each living area shall be situated so as to have direct access to natural light.~~

~~7. 6.~~ Basic provisions for each cell or detention room shall include a toilet, sink, abuse-resistant mirror, drinking faucet, desk or table, seating bench or chair, wall closet or shelf, bed or bunk and light with abuse-resistant lens covering.

~~8. 7.~~ Each residential area shall provide a shower facility of a minimum of 36" x 36" for each 15 prisoners, adjacent to the living area. Shower facilities are prohibited in cells and detention rooms.

~~9. 8.~~ Each room or cell in lockups, jails and adult corrections centers shall be adjacent to an enclosed exercise area or connected by corridor having direct access which provides a minimum of 40 square feet per prisoner for numbers under four, an overall average of 36 square feet per

prisoner for numbers over four, but in no event, an area less than 75 square feet.

~~9-a. a.~~ Holding facilities are not required to provide such exercise areas.

~~10. 9.~~ Each exercise area shall be equipped with a fixed table and benches provided a minimum of three square feet per prisoner for at least 50% of the prisoner capacity of the area served by such exercise area, a telephone jack, an audio sound monitor, at least one controlled electrical outlet, and if separate from direct access to rooms having toilets, a toilet, sink, drinking faucet and modesty panel.

~~11. 10.~~ Each lockup, jail and adult corrections center shall provide an area for the examination, treatment and convalescent care of prisoners, situated separate and apart from other living areas, but within the security perimeter of the facility.

~~11-a. a.~~ Holding facilities are not required to provide such an area.

~~12. 11.~~ All living areas other than dormitories (three or more beds) shall be single occupancy. Dormitory capacity shall be limited to no more than 25% of the total capacity of the facility.

~~13. 12.~~ Adult corrections centers shall provide outdoor recreational space for prisoners compatible with the security classification of prisoners confined.

F. Construction standards (security areas).

1. Cell, room, dormitory sizes.

a. Each maximum security cell, medium security cell or detention room shall provide for at least 70 square feet of floor space within the cell or detention room.

b. Minimum security rooms shall provide a minimum of 50 square feet of floor space per prisoner when unrestricted access to exercise, dayroom or program areas is permitted. Seventy square feet of floor space is required when such access is not permitted.

c. Dormitories shall provide three or more beds and a minimum of 60 square feet of floor space per prisoner within the dormitory exclusive of toilet and shower areas.

(1) Dormitories shall not be used in maximum security areas.

2. Inspection corridors.

a. Each maximum security cell shall be located at

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least 42" 44" away from an outside wall, separated from the wall with an inspection corridor.

b. A 42" 44" inspection corridor providing visibility of medium security living areas shall be provided.

(1) Such corridor need not be between the exterior wall and prisoners.

3. Access to outside windows or doors.

a. No area occupied by a maximum security prisoner which is unsupervised directly by staff shall have direct access to an outside window or door.

b. No area occupied by medium or minimum security prisoners which is unsupervised directly by staff shall have direct access to an outside door.

4. Exterior and natural light orientation.

a. Maximum security cells or dayrooms and exercise areas shall have access to natural light through the 42" 44" inspection corridor required under F. 2. a. of Construction Standards.

b. Medium security cells or detention rooms and minimum security rooms shall be located either on an outside wall which provides a window for natural lighting or on a dayroom area which provides this condition.

c. Medium and minimum security dormitories shall be located on an outside wall which provides windows for natural lighting.

5. Sally ports.

a. Each entrance to a maximum or medium security prisoner living area shall be provided with a sally port large enough to accommodate a stretcher with both gates or doors closed.

6. Maintenance access to plumbing, heating and light fixtures.

a. Maximum security cells shall be constructed to permit maintenance of plumbing, heating and light fixtures from outside the prisoner area.

7. Prisoner access to plumbing and heating fixtures.

a. Heat registers, thermostats, electrical outlets and

plumbing pipes shall be located out of the reach of maximum security prisoners.

b. Heat registers may be located in medium and minimum security areas but shall be protected by security screen. Electrical outlets may be located in medium and minimum security areas but shall have a shutoff switch outside the prisoner area. Thermostats shall be located outside of medium and minimum security areas with heat sensors provided in prisoner areas as necessary. Plumbing pipes shall not be exposed to medium security prisoners.

8. Sewer lines.

a. Each sewer line shall be equipped with at least a 2" cleanout plug located within 18" of each toilet and a shutoff valve on each water line located outside the prisoner area.

9. Plumbing fixtures.

a. Plumbing fixtures used in maximum or medium security areas shall be either aluminum or stainless steel security fixtures.

10. Abuse resistance.

a. All materials accessible to prisoners used in the construction of maximum security shall be ~~certified in writing by the product's manufacturer as providing the capability of~~ capable of withstanding serious damage for a period of two hours, using that which is normally available within that area.

b. All materials accessible to prisoners used in the construction of medium security ~~facilities~~ shall be ~~certified in writing by the product manufacturer as providing the capability~~ capable of withstanding serious damage for a period of one hour, using that which is normally available within that area.

~~e. All materials used in the construction of minimum security facilities required of the Uniform Building Code for this type occupancy are acceptable providing they are congruent with the remainder of the building.~~

~~d. c.~~ The design and furnishings of minimum security areas shall be developed with normalcy in mind, but in keeping with the design, purpose, classification and use of the remainder of the facility.

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11. Locking devices.

a. Maximum security cell doors shall be equipped with locking devices that provide the capability to lock all doors either collectively or separately from outside the prisoner area.

b. Medium and minimum security cell, detention room or dormitory doors may be equipped with locking devices that provide the capability to lock all doors either collectively or separately from outside the prisoner area.

12. Vent openings.

a. Vent openings shall be no larger than 7" of the diameter of a circle or 5½" of a side of a rectangular opening.

13. Grillage.

a. Grillage bars shall consist of tool resistant steel, a minimum of ¾" in diameter, spaced no more than 6" on center vertically with lateral bar supports 3/16" thick at least every ~~16"~~ 18".

b. Grillage shall not be used in minimum security areas.

14. Glass.

a. All glass shall consist of polycarbonate and tempered glass combination materials, or bullet and heat resistant glass, which in either case shall be no less than ½" thick and greater as proportionately correlated in thickness with the overall size of the opening and the use.

b. Architects shall verify State Building Code glass requirements in fire resistive construction.

15. All concrete walls, floors, ceiling shall be prepared in accordance with the ~~Uniform Building Code's~~ "Manual of Standard Practice" Concrete Reinforcing Steel Institute.

a. All concrete shall be reinforced with intermediate grade steel meeting requirements of "Deformed Billet-Steel Bars ¾" in Diameter for Reinforced Concrete" ASTM A 615, Grade 60.

b. All materials Mesh reinforcing shall include be welded wire fabric reinforcing ASTM A 185 steel wire of size indicated and spot welded at intersections.

c. All Placement of concrete shall be in accordance with ACI 304.

d. All Portland cement ASTM C 150 Type I shall be used for general concrete work.

e. Fire Fine aggregate ASTM C 33 100% passing of no. 4 sieve ~~course~~ coarse aggregate ASTM C 33¾".

f. Concrete mix design, 3500 psi for general use, 3500 psi, 3" maximum slump.

16. Wall construction.

a. Maximum security walls shall consist of one of the following:

(1) Steel plate, 3/16" thick; riveted or welded.

(2) Poured concrete 6" thick with vertical and horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. a. and b. above).

(3) Concrete block 8" thick with poured centers cells filled full height with mortar or concrete; vertical steel rod reinforcement in each block cell, horizontal steel reinforcement between each course; with hardening compound used to treat joint mortar.

(4) Security walls consisting of a hollow metal, 14 gauge, steel core, interlocking, wall system equal to or surpassing the following panel performance data:

Under a static load of 10,000 pounds, placed at quarter points, maximum deflection at center of panel shall not exceed .50" with a rebound to .065" after load removal. The wall panel shall be subjected to a racking or twist test placing a 5,000 pound load on one unsupported corner of the panel, with the other end of the panel held in a fixed position and with the third corner having a vertical support. The maximum permitted deflection of the unsupported corner shall not exceed 1.65" with a rebound to .180" after load removal. Wall panels shall be adequately insulated so as to deaden metallic ring if wall panels are struck by prisoners.

b. Medium security walls shall consist of one of the following:

(1) Poured concrete 6" thick with vertical and horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. a. and b. above).

(2) Concrete block 8" thick with poured centers cells filled full height with mortar or concrete; vertical steel rod reinforcement in each block cell; horizontal steel reinforcement between each course; with hardening compound used to treat joint mortar.

(3) Poured concrete 4" thick with vertical and

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horizontal steel rod reinforcement (vertical rods 6" on center, horizontal rods as per 15. 1. and b. above). Concrete shall be faced with 2" of structural glazed tile.

(4) Security walls consisting of a hollow metal, 14 gauge, steel core, interlocking wall system equal to or surpassing the following panel performance data:

Under a static load of 10,000 pounds, placed at quarter points, maximum deflection at center of panel shall not exceed .50" with a rebound to .065" after load removal. The wall panel shall be subjected to a racking or twist test placing a 5,000 pound load on one unsupported corner of the panel, with the other end of the panel held in a fixed position and with the third corner having a vertical support. The maximum permitted deflection of the unsupported corner shall not exceed 1.65" with a rebound to .180" after load removal. Wall panels shall be adequately insulated so as to deaden metallic ring if wall panels are struck by prisoners.

17. Ceiling construction.

a. Maximum security ceiling construction shall consist of one of the following:

(1) Steel plate, 3/16" thick; riveted or welded.

(2) Prestressed concrete planks laid side by side, minimum of 4" thick.

(3) Cast in place reinforced concrete minimum of 4" thick.

(4) An 18 gauge, steel core, ceiling panel system which will withstand a rack or twist test of 1800 pounds on one unsupported corner of the ceiling panel, without weld failures or buckling of any portion of the panel. The opposite end of the panel shall be held in a fixed position and the third corner shall have a vertical support during the test. Insulate in the same manner as wall panels.

b. Medium security ceiling construction shall consist of one of the following:

(1) Prestressed concrete planks laid side by side, minimum of 4" thick.

(2) Same as above with secondary ceiling suspended to consist of no less than 9 gauge expanded metal covered with 2" 1" of concrete and plaster treated with hardening compound.

(3) Cast in place reinforced concrete minimum of 4" thick.

(4) An 18 gauge, steel core, ceiling panel system which will withstand a rack or twist test of 1800 pounds on one unsupported corner of the ceiling panel, without weld failures or buckling of any portion of the panel. The opposite end of the panel shall be held in a fixed position and the third corner shall have a vertical support during the test. Insulate in the same manner as wall panels.

18. Floor construction.

a. Maximum and medium security floors shall consist of one of the following:

(1) Poured, reinforced concrete, 6" thick, using minimum of 9 gauge expanded metal, or 3/8" steel rod 6" on center.

(2) Prestressed concrete beams sections laid side by side with minimum of 2 1/2" concrete or terrazzo slab using 9 gauge expanded metal.

(3) Medium security floors may consist of quarry tile with a full setting bed method of installation.

(4) A slab on grade shall be a minimum of 4" reinforced concrete with 6 x 6 — 10/10 welded wire mesh (10 gauge wire 6" o.c. each way). Quarry tile, resinous terrazzo or an equivalent floor finish shall be applied.

19. Door construction.

a. Maximum and medium security doors shall consist of one of the following:

(1) Grillage type, consisting of tool resistant steel bars, 7/8" diameter, spaced no more than 6" on center vertically with lateral bar supports at least every 46" 18"; equipped with security hinges, food pass (5" x 12" minimum), a bead bolt security lock.

(2) Hollow metal door, 14 gauge steel minimum, equipped with security hinges, a lockable food pass (5" x 12" minimum), view panel and speakthrough, a manual or electrical security dead lock. Face sheets of hollow metal doors shall be of 14 gauge steel minimum and an all steel core shall be used which will provide the following performance data:

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A static load of 14,000 pounds should be applied at quarter points on the door panel, with less than 3/4" deflection and without any failure of the door panel or welds after the load has been removed. The door panels should be subjected to a rack or twist test by placing 7500 pounds on one unsupported corner of the 14 gauge hollow metal door panel, with the other end of the door clamped in a lock position, and the third corner of the door supported with a vertical member. No permissible failure can occur in the door panel nor any of the welds during or after the 7500 pounds is removed.

(3) All hollow metal doors shall be 6'8" minimum height; 30" minimum width.

(4) Grillage doors less than 6'8" minimum height; 30" width shall be approved by the Department prior to construction. No grillage door shall be approved less than 6' high by 2'1" wide (set 3" above finish floor) 6'3" minimum opening height. All openings shall comply with State Building Code height and width requirements.

20. Window construction.

a. Maximum and medium security window construction shall consist of one of the following:

(1) Solid metal frame windows no wider than 5 1/2" (no movable parts) to be used only in conjunction with a mechanical air exchange and temperature control system.

(2) Louvered or awning type windows, encased in security frames, containing rolled steel bars between panes not wider than 6" on center and covered on the inside by security screen (no less than 18 gauge or greater than 1/4" mesh openings) and mosquito screen on the outside.

21. Hardware.

a. All hardware used in maximum security areas shall be designed for maximum security use.

b. All hardware in maximum and medium security areas shall be attached, using security type or tamper-proof fasteners that face away from the prisoner area.

c. All electrically operated hardware shall provide for manually operated key override in an emergency. Electric hinges shall be equipped with concealed wires so that electric parts are not exposed after hinge is installed.

d. All vent guards shall be constructed of tool resistant steel, or the opening guarded by observable tool resistant steel bars, meeting grillage specifications.

e. Pipe chase doors or access panels shall consist of not less than 1/8" steel plate, locked with a security dead lock or be of construction materials comparable to maximum security hollow metal steel doors.

f. All hardware used in medium security areas shall be designed for medium security use.

22. Medium security dormitories.

a. Medium security dormitories shall be equipped with one fixed bed per prisoner; one ceiling or wall light per two beds, covered with an abuse resistant lens; one toilet and modesty panel for each eight prisoners; one sink and stainless steel abuse resistant mirror for each eight prisoners; one shower (minimum 36" x 36") for each 15 prisoners; one stainless steel abuse resistant eating table with seating benches that provide a minimum of three square feet of space per prisoner with capacity for each prisoner up to six, but no less than six in dormitories larger than capacity for six and no less than 60% of the total capacity level, whichever is greater; one fixed dresser or wall locker per prisoner.

23. Minimum security rooms.

a. Minimum security rooms shall be equipped with a bed, desk or table, clothes closet, mirror, ceiling or wall light and chair.

b. Minimum security rooms shall be located separate and apart from other areas of the facility requiring higher degrees of security, but within the overall security perimeter of the facility.

c. Dayroom areas of at least 40 square feet per one-half of the total minimum security capacity, but no less than 120 square feet shall be provided adjacent to the sleeping area and shall be equipped for a T.V., and with telephone jack, table, seating facilities, electrical outlets. All power supplies shall be controlled by staff from outside the prisoner area.

d. ~~A One~~ One toilet and modesty panel, lavatory and shower facility, sink and mirror shall be provided for each ten eight prisoners and one shower (minimum 36" x 36") shall be provided for each 15 prisoners, when not provided in the individual rooms.

e. ~~Doors shall have an approved 1 1/2 hour fire rating and be equipped with a security type snaplock. Doors are not required to be equipped with dead lock or dead-latching mechanisms.~~

24. Minimum security dormitories.

a. Minimum security dormitories shall be equipped

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with the following items per prisoner: bed or bunk, wall locker or wall shelf and clothes hooks, mirror, dresser, chair, eating tables and chairs shall be provided to accommodate one-half the total capacity of the dormitory. Additional furnishings may be permitted such as divider panels, T.V. set, radio, lounge chair, and any other article which is normally used in residential living, but would not constitute a disproportionate security threat to the remainder of the facility.

b. Minimum security dormitories shall be located separate and apart from other areas of the facility requiring higher degrees of security, but within the overall security perimeter of the facility.

c. ~~A One toilet and modesty panel, lavatory and shower facility, sink and mirror shall be provided for each ten eight prisoners and one shower (minimum 36" x 36") shall be provided for each 15 prisoners.~~ Such facilities may be adjacent to or apart from the dormitory proper, but must be within the immediate vicinity. Facilities may be gang type or individual when more than one is required. All privacy requirements found elsewhere in these standards apply.

d. Visiting shall be provided outside and apart from the dormitory area. When dayrooms are not provided, a room shall be provided for the visiting of minimum security prisoners. Such room may be the same as that provided other prisoners for privileged visiting, i.e., with attorneys, clergy, etc., providing it does not cause serious conflict in the maintenance of security for the remainder of the facility.

e. ~~Doors shall have an approved 1½ hour fire rating and be equipped with a security type snaplock. Doors are not required to be equipped with dead lock or dead-latching mechanisms.~~

Higher Education Coordinating Board Financial Aid Division

Adopted Rules Regarding Student Financial Aid Programs

The rules published at the *State Register*, Volume 2, Number 13, p. 696, October 3, 1977 (2 S.R. 696) are adopted and are identical in every respect to their proposed form, with the following amendments:

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5 MCAR § 2.0307

Chapter Three: Work-Study Grants

5 MCAR § 2.0307 Employer responsibilities.

B. The school and the employer shall incorporate in the work contract provisions for pay and time records, payroll, and workers compensation. ~~The school will verify that each student who works for a handicapped person or a person over 65 years of age is insured against liability while so employed.~~

Chapter Eight: Part-Time Student Grant Program

§ 2.0803 Determination of financial need.

E. The eligible student who was employed for an average of 35 hours per week for at least 30 weeks in the base year is no longer employed on a full-time basis in the estimated year.

~~Eligible students, whose incomes for the base year or the estimated year as provided for herein are less than or equal to the Urban Family Budget Study, Lower Budget, as established by the U.S. Bureau of Labor Statistics, shall be considered to be financially needy for an award under provisions of this program.~~

An eligible student shall be considered to be financially needy for an award under the provisions of this program if: there are fewer than four persons in the student's family and its income for the base year or the estimated year as provided herein is no greater than the U.S. Bureau of Labor Statistics Urban Family Budget Study, Intermediate Budget for families of the size of the student's family; or if there are four or more persons in the student's family and its income for the base year or the estimated year as provided herein is no greater than the U.S. Bureau of Labor Statistics Urban Family Budget Study, Lower Budget for a 5-person family.

Housing Finance Agency

Adopted Rules of the Innovative Housing Loan Program

The rules published at *State Register*, Volume 2, Number 12, pp. 675-676, September 26, 1977 (2 S.R. 675), are adopted and are identical in every respect to their proposed form.

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7 MCAR § 5.1032

Board of Nursing

Adopted Rules Relating to Application, Renewal and Verification Fees, Licensure Examinations and Name Change for Professional Nurses and Practical Nurses

The rules published at *State Register*, Volume 2, Number 5, p. 227, August 8, 1977 (2 S.R. 227), are adopted and identical in every respect to their proposed form, with the following amendments:

7 MCAR § 5.1032 Delinquent status.

A. An applicant for renewal of registration, except if in nonpracticing status, who failed to re-register in the previous year or years shall pay a delinquent fee of \$4 for each year for which he/she has been delinquent up to a maximum of \$40 as well as the penalty fee of \$4 2 and the renewal fee for the current period.

§ 5.1033 Nonpracticing status.

B. The registered nurse who has been in the nonpracticing status for five years or more must present evidence of competency in nursing before becoming actively re-registered. Such evidence, submitted on a notarized form, may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. employment as a registered nurse in another U.S. jurisdiction or foreign country,
2. completion of no less than one week of a refresher course,
3. attendance at no less than 15 clock hours of nursing-related educational offerings,
4. participation in an orientation program at least one week in length conducted by an employer or potential employer, or
5. such other similar evidence; and such other evidence as the Board may reasonably require.

Department of Public Service Public Service Commission Adopted Rules Relating to Telephone Utilities

The rules published at the *State Register*, Volume 1, Number 26, pp. 976-982, January 5, 1977 (1 S.R. 976) are adopted and are identical to their proposed form, except for the following amendments.

Chapter Seven

PSC 179 Business office procedures.

D.1.b. The total number of ~~customers~~ lines in each class of service and the total number of ~~customers~~ who initiated service lines increased during the past year;

D.2. ~~This report will be an official document and~~ All information must be verifiable and available for inspection and investigation by Commission staff.

D.5. Each utility shall initially file the prescribed Annual Report on or before May 1, 1979. This initial report will cover the utility's operations during the previous calendar year.

PSC 180 Customer billing; deposit and guarantee requirements.

A.1. Bills to customers shall be typed or machine printed, rendered regularly, and shall contain an itemized listing of all charges and the period of time covered by the billing. Statements itemizing message toll charges; ~~if applicable~~, shall be included in bills to customer.

B.1.a. A customer, who within the last twelve (12) months has not had his service disconnected for non-payment of a bill ~~which~~ and has not been liable for disconnection of service for non-payment of a bill, and the bill is not in dispute, shall be deemed to have established good credit.

B.2.b. All deposits shall be in addition to payment of an outstanding bill or a part of such bill as has been resolved to the satisfaction of the utility, except where such bill has been discharged in bankruptcy.

B.2.d. The deposit shall be refunded to the customer after twelve (12) consecutive months of prompt payment of all ~~utility~~ utility bills to that utility. The utility may, at its option,

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refund the deposit by direct payment or as a credit on the bill.

B.3. With notice any deposit of a customer ~~may~~ shall be applied by the utility to a bill when the bill has been determined by the utility to be delinquent.

B.3.b. Upon termination of a guarantee contract or whenever the utility deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required for good cause upon reasonable written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon notice as prescribed in PSC 300 182.

PSC 181 Disconnection of service.

B.2. In the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utility's equipment, to the public, or to employees of the utility.

B.3. In the event of a customer's use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others.

~~C. Temporary disconnection of service. A utility may temporarily disconnect service to a customer otherwise entitled to disconnect service, upon written request by said customer. Temporary disconnection of service for this reason does not require refund of deposit nor interruption of interest.~~

~~D. C.~~ Non-permissible reasons to disconnect service. A utility may not disconnect service to any customer for any reason stated below:

1. Delinquency in payment for services rendered to a previous customer who occupied the premises unless said customer continues to occupy the premises.

2. Failure to pay for ~~merchandise, appliances or services~~ equipment or service not approved by the Commission as an integral part of the utility service.

3. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for disconnection of residence service or vice versa.

4. Failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or billing error if the

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customer agrees to payment over a reasonable period of time.

~~E. D.~~ Manner of disconnection. Service shall not be disconnected on any Friday, Saturday, Sunday or legal holiday, or at anytime when the utility's business offices are not open to the public, except where an emergency exists.

~~F. E.~~ Reconnection of service. In the event service has been disconnected for valid cause by the utility, the utility may charge a reconnect fee based on the cost of reconnection as stated in the utility's tariff on file with the Commission. Notwithstanding the above provision, the utility shall not charge a reconnect fee for disconnection of service pursuant to PSC 181 B.2, except if the hazard is caused by customer provided equipment.

PSC 182 Notice: other time requirements.

A. Where required by these rules, notice of impending action by the utility shall be by first class mail. Notice shall be sent to the address where service is rendered or to the address where the bill is sent if different from the address where service is rendered. ~~A representative of the utility must make an affidavit under oath that he deposited in the mail the notice properly addressed to the customer.~~

PSC 183 Disputes.

A.6. If the dispute is not resolved to the satisfaction of the customer, he or she must submit the entire payment and may designate the disputed portion to be placed in escrow ~~to~~ with the utility. Such payment shall be called an "escrow payment."

C. A customer may apply to the utility to waive its rights to disconnect. If the utility refuses to waive its right to disconnect, the customer may apply to the Commission for emergency status. If the Commission determines ~~the~~ a customer has a probable ~~claim in the dispute and that hardship may result in the event of discontinuation of service,~~ hardship which may result in the disconnection of service for non-payment, it may declare an emergency status to exist and order the utility to continue service for a period not to exceed thirty (30) days.

PSC 212 Telephone accounting rules.

G. Lobbying expenditures.

1. For the purpose of rule 212 G., the following definitions shall apply:

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a. "Lobbying expenditure" means a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing legislation or administrative action or supporting the election of any candidate for office. Lobbying expenditures also include:

(1) the pro rata portion of salaries of lobbyists which represents the portion of their duties related to lobbying; and

(2) their lobbying expenditures.

b. "Lobbyist" means any individual or association engaged for pay or other consideration or authorized by a telephone utility to spend money who, during a calendar year, spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. No person engaged in formal rate cases before a regulatory body is by reason of such engagement a lobbyist.

c. "Utility non-operating expense" means expenditures associated with activities other than those resulting from the regular activity of supplying service to the consumer.

d. "Utility operating expense" means expenditures associated with the direct or regular activity of supplying service to the consumer.

e. "Public official" means any:

(1) Member of the legislature;

(2) Person holding constitutional office in the executive branch and his chief administrative deputy;

(3) Member of a state board or commission which has rulemaking authority, as "rule" is defined by Minn. Stat. § 15.0411, subd. 3;

(4) Person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of legislative research;

(5) Person employed by the executive branch in any positions specified in Minn. Stat. § 15 A.081; and

(6) Member of the metropolitan council, metropolitan transit commission, metropolitan sewer board, or metropolitan airports commission.

2. General application.

a. Rule 212 G. applies to each telephone utility regulated under Minn. Stat. ch. 237.

b. Each telephone utility shall maintain accounts and records relating to lobbying expenditures and make them available for inspection by the Commission upon request.

~~c. Each telephone utility shall report lobbying expenditures in accordance with PSC Rule 212 G. 4., and on 30 days notice at such time as the Commission deems necessary to carry out its regulatory responsibilities.~~

3. Accounting treatment, lobbying expenditures.

a. Each telephone utility shall cause sub-accounts to be established for the sole purpose of recording lobbying expenditures.

(1) Lobbying expenditures for utility operating expense shall be charged to a sub-account of Other Expenses.

(2) Lobbying expenditures for utility non-operating expense shall be charged to a sub-account of Miscellaneous Deductions from Income.

b. The above accounts shall be effective the first day of January of the year following the year in which this regulation becomes effective for any lobbying expenditures subsequent to that date.

4. Reporting requirements.

a. ~~Each telephone utility which has incurred lobbying expenditures shall file with the Commission by the first day of April each year a report of such lobbying expenditures for the prior calendar year. The report shall include the following information:~~

~~(1) Name and address of the utility.~~

~~(2) Officer responsible for the report.~~

~~(3) As to each lobbyist:~~

~~(a) Name and Address.~~

~~(b) A general description of the subject or subjects in which the lobbyist was actively associated.~~

~~(4) Lobbying expenditures for the period classified by subject.~~

~~(5) Name and address of each utility sharing lobbying expenditure if joint venture.~~

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b. Each telephone utility which has not incurred any lobbying expenditures during the previous calendar year, shall file with the Commission by the first day of April in the following year a statement by an officer attesting that it had no lobbying expenditures.

Minnesota Tax Court Adopted Rules of Procedure

The rules published at *State Register*, Volume 2, Number 25, page 1260, December 26, 1977 (2 S.R. 1260) are adopted and are identical in every respect to their proposed form, with the following amendments:

13 MCAR § 2.002 Appearance and practice before the court. Any person may appear and act for himself or for a partnership of which he is a member ~~or for a corporation of which he is an officer.~~

13 MCAR § 2.003 Pre-trial conferences and continuances.

A.8. ~~A statement to the effect that serious settlement negotiations have been conducted.~~

A statement to the effect that the opposing party has

13 MCAR § 2.002

been contacted in an attempt to narrow the issues, stipulate the facts, simplify the presentation of evidence, or otherwise facilitate preparation for trial or possible disposition of the case in whole or in part without trial.

13 MCAR § 2.007 Notice of appeal or petition. A notice of appeal may be signed by the appellant personally or by an attorney at law duly licensed to practice in the State of Minnesota. Each notice of appeal shall refer to the order appealed from, state specifically the points of law and fact which are questioned by the appellant, and state an address within the state at which service of notice and other papers in the matter may be made upon the appellant(s). The Tax Court may, upon a showing of proper cause, permit an amendment of the notice of appeal or petition.

13 MCAR § 2.015 Extension of time to appeal. Parties requesting an extension of time to appeal under Minn. Stat. ch. 271 shall submit a verified petition showing cause for such extension, and shall state there in the date of the mailing of the order of the Commissioner, ~~or the date on which the order of the County Board of Equalization was filed,~~ and shall attach to said petition a proposed order providing for the extension which order shall be entitled as provided in RULE V. of these Rules and shall read substantially as follows: (Remainder of rule unchanged.)

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PROPOSED RULES

Pursuant to the provisions of Minn. Stat. § 15.0411 to 15.052, the *State Register* publishes notices of hearing on proposed new or amended rules, including the full text of the new or amended rules, including the full text of the new or amended rule proposed for adoption, at least 30 days before the date set for the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, an agency may, with approval of the chief hearing examiner, incorporate by reference into the text of a rule, provisions of federal law, or rule, or other material which are 3000 words or more in length or would require five or more pages of print in the *State Register* and which are conveniently available to interested persons.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend, or repeal a rule does not allow for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Accountancy Proposed Amendment of the Rules Governing the Professional Conduct of Certified Public Accountants

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Department of Commerce Hearing Room, 500 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101 on May 17, 1978, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Steve Mihalchick, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104 (612) 296-8118, either before the hearing or within five working days after the close of the hearing or for a longer period not to exceed 20 days if so ordered by the Hearing Examiner in the course of the hearing. Persons filing written statements or materials who desire notice of filing of the Hearing Examiner's report with respect to this matter should state their request in writing at the time of filing of their statements or materials.

The proposed rules, if adopted, would amend Minn. Rules ACCY 150, Rule 404 (4 MCAR § 6.150, Rule 404) by abolishing the existing prohibition against advertising by certified public accountants and substituting a prohibition against the use of false, fraudulent, misleading, deceptive or unfair statements or claims. The proposed rules would further amend Minn. Rules ACCY 150, Rule 404 by deleting the rule prohibiting solicitation by certified public accountants and by substituting a new rule governing and limiting the use of direct personal communications to solicit an engagement to perform professional services. In addition the proposed rules would amend Minn. Rules ACCY 150, Rule 406 (4 MCAR § 6.150, Rule 406) by revising the language of the existing rule, which prohibits certified public accountants from engaging in certain occupations, to focus upon those occupations which impair independence or objectivity and by eliminating the existing explicit prohibition against engaging in "feeder" occupations.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the State Board of Accountancy, 500 Metro Square Building, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. The Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 326.18 (1976). A "Statement of Need" explaining why the board feels the proposed rules are necessary and a "Statement of Evidence" outlining the testimony that will be introduced will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10 A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Leonard A. Rapoport
Chairman

Rules as Proposed

Chapter Fifteen: Code of professional conduct.

Accy 150 Code of professional conduct.

Rule 404 ~~Solicitation and a~~Advertising. A licensee shall not seek to obtain clients by ~~solicitation~~. Advertising is a form

PROPOSED RULES

ACCY 150

of solicitation and is prohibited use or participate in the use of any form of public communication having reference to his professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which:

- A. Contains a misrepresentation of fact; or
- B. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- C. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality; or
- D. Is intended or likely to create false or unjustified expectations of favorable results; or
- E. Implies educational or professional attainments or licensing recognition not supported in fact; or
- F. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case; or
- G. Represents that professional services can or will be

competently performed for a stated fee when this is not the case, or makes representations with respect to fees for professional service that do not disclose all variables affecting the fees that will in fact be charged; or

H. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

Rule 406 Incompatible occupations. A licensee ~~who is engaged in the practice of public accounting~~ shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services ~~or serves as a feeder to his practice.~~

Rule 408. ~~Reserved for future use-~~ Solicitation. A licensee shall not by any direct personal communication solicit an engagement to perform professional services (a) if the communication would violate Rule 404 if it were a public communication; or (b) by the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or (c) where the engagement would be for a person or entity not already a client of the licensee, unless such person or entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them.

KEY: PROPOSED RULES SECTION: Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, when, in preparing to propose rules, an agency seeks to obtain information or opinion from sources outside of the agency, a notice of intent to solicit such information or opinion is published in the *State Register* and interested persons are afforded an opportunity to submit data and views on the subject.

The *State Register* also contains any other official notice requested to be published by an agency, pursuant to Laws of 1977, ch. 305 § 3.

Department of Commerce Policy and Rate Division

Notice of Meeting

Board of Directors

Minnesota Comprehensive Health Association

Tuesday, April 18, 1978

11:00 a.m.

Blue Cross and Blue Shield

3535 Blue Cross Road

St. Paul, MN

Ethical Practices Board

Notice of Meeting

April 13, 1978

Room

State Office Building

Preliminary Agenda

1. Minutes (March 24, 1978)
2. Chairman's Report
3. Legal Counsel Report
 - a) Tax Credit Agreement
4. Advisory Opinion Request — IR State Central Committee.
- 5.
6. Proposed Campaign Finance Rules
7. Proposed Lobbyist Rules
8. Proposed Economic Interest Rules
9. 1978 Summary Reports

10. Executive Director's Report
 - a) Delinquent Committees & Funds
11. Other Business

Summary of Advisory Opinion #43 Regarding Dollars-For- Democrats Rebate Program

Approved by the Ethical Practices Board on March 24, 1978

Issued to:

Rick Scott
DFL State Chair
Minnesota Democratic Farmer Labor Party
730 East 38th Street
Minneapolis, Minnesota 55407

Summary

43. Dollars-for-Democrats may terminate its state registration and reporting provided Dollars-for-Democrats terminates its rebate program to state party units and does not raise or spend in excess of \$100 to influence the nomination or election of candidates governed by Minn. Stat. ch. 10A, and files a termination report.

The full text of the opinion is available upon request from the office of the

State Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155
612-296-5148

Department of Revenue Alcohol, Tobacco and Special Taxes Division

Notice of Intent to Solicit Outside Opinion for Rules Governing the Assessment and Collection of Excise Taxes on Distilled Spirits, Wine and Fermented Malt Beverages

Notice is hereby given that the Department of Revenue, Alcohol, Tobacco & Special Taxes Division, is seeking

OFFICIAL NOTICES

information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the assessment and collection of excise taxes on distilled spirits, wine and fermented malt beverages; reports and returns required of common carriers, manufacturers, importers, and distributors of distilled spirits, wine and fermented malt beverages; records to be kept by persons engaged in the alcoholic beverage industry; and bonding requirements for distributors of distilled spirits and wine. Any interested persons may submit data or views on this subject in writing or orally by May 5, 1978 to:

G. D. Garski, Audit Chief
Alcohol, Tobacco & Special Taxes Division
Department of Revenue
Capitol Square
St. Paul, Minnesota 55145
(612) 296-3482

Any written material received by the agency shall become part of the hearing record in the event rules governing these subjects are promulgated.

Errata

1. 2 S.R. 1800: Delete "fida" at HE 404 C.
2. 2 S.R. 1800: At HE 408 A. Petition., last sentence should read: "The Hearing Examiner, with the consent of all parties, may waive the requirement that the petition be in writing."
3. 2 S.R. 1804: Change "ntechical" to "technical" at HE 414 A.2.
4. 2 S.R. 1807: Change "examption" to "exemption" at 6 MCAR § 2.1103.H.
5. 2 S.R. 1813: Change "liquefied" to "liquified" at 6 MCAR § 2.1143 B.8.d.
6. 2 S.R. 1826: At Official Notices explanation: Change "form" to "from."
7. 2 S.R. 1830: Change "Amendment" to "Adoption" in heading for Department of Public Welfare Notice of Solicitation.

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